



## Security Council

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### **Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Peace-building Support Office in the Central African Republic**

#### **I. Introduction**

1. The statement by the President of the Security Council dated 10 February 2000 (S/PRST/2000/5) requested me to keep the Council regularly informed about developments concerning the political, economic, social and security situation in the Central African Republic and the activities of the United Nations Peace-building Support Office in the Central African Republic (BONUCA). The Council also requested me to submit a report to it by 30 June 2000, at the latest, and every six months thereafter. The present report, the second in the series (see S/2000/639), is in response to that request.

2. As members of the Security Council will recall, the primary mission of BONUCA is: to support the Government's efforts to consolidate peace and national reconciliation; to strengthen democratic institutions; to undertake missions of good offices, if necessary; to monitor the human rights situation and contribute to the strengthening of national capacity for the promotion and protection of human rights; to monitor the security situation in the country and follow and assist with security-related reforms; and to facilitate the mobilization of international political support and resources for national reconstruction and economic recovery.

#### **II. The political situation**

3. Since I last reported to the Security Council, the political situation has been dominated by considerable

tension in the relationship between the ruling party and the opposition. The Government has not engaged in a dialogue with the opposition. The opposition, which tends to adopt a confrontational approach in its activities, is trying by every possible means to seize the power that it was unable to win through the ballot box. That is one of the main reasons for the crisis currently gripping the country, which must be viewed against a backdrop of social tension and a precarious economic and security situation.

4. Since September 2000, rumours have persisted about an impending cabinet reshuffle, which might even result in the departure of the Prime Minister. These rumours, together with dissension within the ruling Movement for the Liberation of the Central African People (MPLC), have had a negative impact on the current political landscape in the Central African Republic.

5. The situation has been aggravated by a strike of civil service workers that the opposition is trying hard to exploit for political ends. There is no dialogue between the two parties. In June 2000, President Patassé agreed in principle to hold a meeting with political stakeholders and other key national players. I encouraged him to pursue this course of action in my letter to him of 18 September 2000.

6. President Patassé did not, however, favour dialogue with the opposition, stating that no constructive dialogue was possible with political opponents who were calling for his resignation. In the meantime, the opposition, with the exception of former President David Dacko, has rejected the notion of a



national conference or a new forum, claiming that the conclusions of any such event would not be implemented.

7. The antagonism between the ruling party and the opposition has deepened over the past few weeks. On 19 December 2000, the 15 opposition parties in the Central African Republic attempted to hold a public rally in an open air stadium in Bangui, in defiance of a Government ban announced the previous evening because of the tense social climate prevailing in the country. The organizers went ahead with their rally, which was intended to protest the "discrimination between the opposition parties and MLPC and its allies" — the opposition believed that MLPC and its allies had held a rally on 10 December "in violation of legal procedure".

8. The opposition rally was dispersed by security forces. Seventy-three persons, including four members of Parliament, were detained for questioning. Following that incident, the opposition deputies boycotted the meetings of Parliament until its closure on 29 December.

9. The trial of those arrested took place on 29 December 2000 and on 3 January 2001. The tribunal sentenced the four parliamentarians to 15 days imprisonment and ordered the release of the others.

10. These events and the lack of dialogue between the country's political stakeholders are a serious obstacle to the sustainability of the democratic institutions established barely a year ago. However, I remain hopeful that the Prime Minister will rapidly follow through on his recent commitment to the opposition parties to facilitate their access to State-run media, thus paving the way for improved relations between the ruling party and the opposition.

### III. The social situation

11. The unprecedented oil crisis, which erupted in June 2000, deepened and persisted through the months of July and August, bringing many socio-economic activities to a standstill.

12. The tension caused by the fuel crisis abated for only a brief period. The situation deteriorated again as a result of considerable unpaid arrears of wages (up to 30 months) coupled with their non-payment for the current period. Civil servants, at the behest of their

trade unions, have frequently been on strike since October 2000. As a result of these strikes, the 2000/2001 school year has not yet started.

13. The current social situation in the country is explosive. On 14 November, young people, claiming to be members of a hitherto unknown group called the "Torch of Central Africa", held violent demonstrations not far from the BONUCA offices, vandalizing a number of vehicles. They said they were protesting the Government's inability to do anything about unpaid wages. Furthermore, on 17 November, students from the University of Bangui held anti-Government demonstrations, putting up barricades and blocking traffic. A BONUCA vehicle was attacked and damaged by the demonstrators and its occupant, a civilian police officer, was slightly wounded.

14. Tensions between the Government and the opposition have revived. All indications are that, in the absence of viable solutions and action by the Government to pay wages and salaries, the resentment of the civil servants will intensify.

### IV. The human rights situation

15. Since my previous report to the Council, the practice of summary and extrajudicial executions seems to have diminished. This development has been welcomed by my Representative, who constantly drew the attention of the authorities to the need to put an end to repeated violations of individual rights.

16. In the area of strengthening national capacity, an intensive training course has allowed BONUCA to train, in partnership with the Government, about 300 law enforcement officers in human rights and humanitarian law. In addition, a national seminar was held in October on the role of Parliament in the promotion and protection of human rights. Early last month, a training workshop was organized for non-governmental organizations for the promotion of human rights.

17. The Office continued its efforts to publicize, through the press and radio, the fundamental principles of human rights, with the intention of reaching the various social and professional classes. In this context, several international human rights instruments ratified by the Central African Republic have been translated into the national language, Sango.

18. However, despite these efforts, another form of human rights violation has appeared in the Central African Republic: "neighbourhood justice". This type of popular justice has become commonplace, particularly in Bangui, where victims, in particular "witches" and armed robbers, are often beaten to death. Several cases of this type of justice were recorded in July and August 2000 in Bangui and in the countryside. The perpetrators generally cite their lack of confidence in State justice to justify their actions.

19. Furthermore, it should be noted that there are remaining concerns about the conditions of prisoners. Since my previous report, representatives from the Office have made numerous visits to detention centres in Bangui and in the interior of the country, meeting a total of 1,498 prisoners, of whom 10 per cent are women and children. The prisoners have been herded into the jails of police stations and gendarmerie brigades, which are rife with contagious diseases, in particular cholera, malaria and meningitis. Cases of deaths from malnutrition have been recorded, as have torture, inhuman and degrading treatment.

20. The living conditions of detainees in the Central African Republic are deplorable and below required international standards. The authorities have requested assistance from the international community for the construction of prisons or the rehabilitation of the Bangui central prison, which was destroyed during the mutinies of 1996 and 1997. Thus far there has been no response.

## V. The security and military situation

21. The security situation is relatively calm. Since the murder, on 20 August 2000, of the Ambassador of the Libyan Arab Jamahiriya to the Central African Republic by a group of armed individuals, no further acts of a serious nature have been reported. Incidents of hold-ups, armed robbery and illegal roadblocks have been reported, especially in the countryside. The military garrisons, whose recent deployment at Bouar, Bria and Zémio was made possible largely as a result of French military cooperation, are not yet fully operational and the Government is therefore unable to effectively combat this phenomenon.

22. In order to strengthen the capacities of law enforcement agencies, BONUCA has organized civilian police training courses for members of the

Criminal Records Office, the Intelligence Service and the Accident Squad.

23. Efforts towards disarmament have continued. To date, 95 per cent of the heavy weapons that have been in circulation since the mutinies of 1996 and 1997 have been recovered, compared with 65 per cent of light weapons. While these results are encouraging, the overall situation still gives cause for some concern, mainly because of the proliferation and illicit circulation of new weapons, most of which originate from conflict areas in countries neighbouring the Central African Republic.

24. The process of restructuring the defence and security forces is also continuing. The Government can be credited with a number of specific actions in this area, including the modernization of the army, training of personnel, deployment of military units in the interior of the country, the reintegration of ex-mutineers into the army and the appointment of several of them to positions of responsibility.

25. Owing to the lack of financial resources and the delay by international partners in acting on the commitments made at the special donor meeting in New York, in May 2000, only limited progress has been made in the demobilization and reintegration programme. The programme has since been redesigned and restructured as "support for retraining" and has been suspended until the necessary resources can be mobilized.

## VI. The economic situation

26. Because of the very negative impact of the war in the Democratic Republic of the Congo on the Central African Republic, the country's economic situation is extremely critical. In fact, the economy of the Central African Republic as a whole has never recovered from the destruction of the socio-economic infrastructure that took place during the mutinies of 1996 and 1997 and, even more damaging, the continuing fuel crisis. The overall economic situation, already fragile, has worsened following the rupture in supplies of petroleum products. The country's growth rate has fallen to 3.3 per cent as opposed to the 5 per cent that had been forecast, and inflation has surged in the wake of sizeable increases in the prices of petroleum products.

27. Because of reduced tax revenues, the Central African Republic has been unable to put its finances on a sound footing or to fulfil its financial obligations. As a result, new domestic (salaries of public servants) and external (debt) arrearages have accumulated. It is only with the assistance of its bilateral partners and the international community that the Government of the Central African Republic can hope to overcome its current social and economic difficulties. A joint mission of the World Bank and International Monetary Fund (IMF) visited the Central African Republic in October 2000 to undertake another assessment of the country's overall economic performance. The Bretton Woods institutions have noted with satisfaction the efforts made by the Government since their previous visit in February and March 2000.

28. In my letters to the President of the World Bank and the Managing Director of IMF of 28 November 2000, I drew attention to the need to take into account the efforts undertaken by the Government of the Central African Republic to fight corruption and reform public finances, with a view to helping the Government meet the financial challenges it is facing.

29. I am encouraged by the replies I have received. The decision of the World Bank to approve a partial waiver of the conditions attached to the release of the US\$ 5 million second tranche of the fiscal consolidation credit is a step in the right direction. However, a substantial percentage of this amount will be used to service the country's debt. The remaining amount is not enough to help the Government deal with the problem of salary arrearages. IMF has informed me that the Government's request for debt relief under the enhanced initiative for heavily indebted poor countries (HIPC) is scheduled for approval early in 2001. The implementation of this programme will enable the Government to resume the regular payment of salaries and a gradual settlement of arrears in wages.

## **VII. The impact of the conflict in the Democratic Republic of the Congo on the Central African Republic**

30. The conflict in the Democratic Republic of the Congo, especially the fighting between the forces of President Kabila and those of the Movement for the Liberation of the Congo (MLC), led by Jean-Pierre Bemba, in the Congolese province of Equateur,

neighbouring the Central African Republic, have caused a large number of refugees, particularly women and children, to flee towards border towns and villages in the Central African Republic. The number of refugees, about 10,000 during July and August, is currently thought to be approximately 8,000. Most of the refugees who have returned to their villages are said to come back regularly to refugee encampments.

31. Scattered among a dozen makeshift camps along the southern border of the Central African Republic, the refugees live in precarious conditions, involving lack of food, poor or inappropriate medical care and lack of medicines and pitiful accommodation. The security situation in the region has been relatively calm for some time, but porous boundaries and constant uncontrolled movements of refugees towards and from the conflict zone have raised fears of proliferation and illicit arms trafficking in the Central African Republic.

32. In some areas, the refugees, because of lack of shelter, have been billeted with local families, where they lack privacy, sharing the residents' crops and other basic commodities. The Office of the United Nations High Commissioner for Refugees (UNHCR), supported by the other agencies of the United Nations system working locally, intends to redouble its efforts and accelerate work to prepare the site for the transfer of the refugees to the new site.

33. The Central African authorities themselves believe that, as a result of the war in the Democratic Republic of the Congo, the Central African Republic "runs the double risk of a weakened economy and destabilization". The effects of the conflict are "negative, take many forms and are multisectoral".

34. In the light of this situation, in December 2000, I decided to send Mr. Amara Essy, the former Minister for Foreign Affairs of Côte d'Ivoire, as my Special Envoy to assess on the ground the multidimensional impact of the conflict in the Democratic Republic of the Congo on the Central African Republic and the Republic of Congo, in particular its humanitarian, economic, social and security implications. On his return, Mr. Essy made pertinent recommendations, which may contribute to lessening the negative impact of that conflict. It is clear, however, that a solution to instability in the subregion depends on the restoration of peace in the Democratic Republic of the Congo.

## VIII. Observations

35. The situation in the Central African Republic is a source of great concern. On the political level, the lack of any dialogue between the Government and the opposition has not contributed to underpinning the country's young democratic institutions. The prolonged civil service strikes have increased the risk of social upheaval. The negative economy and social impact of the conflict in the Democratic Republic of the Congo is compromising the progress made towards the consolidation of the fragile peace and stability in the country.

36. The Central African Government's expectations of the international community in general and the United Nations in particular are urgent and numerous. It is up to the Central Africans themselves to summon the political will and work towards national reconciliation. My Representative in Bangui is sparing no effort to help the parties favour dialogue over confrontation. In this regard, it is my sincere hope that President Patassé will soon take the necessary measures to lower the existing tension between his Government and the opposition.

37. The special meeting held in New York in May 2000 has not produced the desired results. I urge those Governments that made pledges during the meeting to disburse the promised funds so that the Government of the Central African Republic can meet the many-faceted challenges confronting it.

38. I am gratified that the Bretton Woods institutions are showing flexibility in their dialogue with the authorities of the Central African Republic and have started providing the assistance the Government desperately needs. I encourage them to remain constructively engaged in a collaborative effort to contribute to the social and political stability in that country.

39. The international community has invested much in the return of peace to the Central African Republic. I hope that it does not relax its efforts now, lest the tangible results it has helped bring about be lost, and the Central African Republic relapse into civil strife.

40. Finally, I should like to pay tribute to my Representative, Cheikh Tidiane Sy, and to the staff of BONUCA and of other United Nations agencies on the ground for their tireless efforts to contribute to peace and stability in the Central African Republic.



## Security Council

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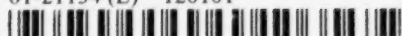
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**Letter dated 11 January 2001 from the Chargé d'affaires a.i. of the  
Permanent Mission of Angola to the United Nations addressed to  
the President of the Security Council**

I have the honour to transmit herewith a copy of the Amnesty Law of the Republic of Angola with the request that it be circulated as a document of the Security Council (see annex).

Margarida Rosa da Silva **Izata**  
Chargé d'affaires a.i.



**Annex to the letter dated 11 January 2001 from the Chargé  
d'affaires a.i. of the Permanent Mission of Angola to the United  
Nations addressed to the President of the Security Council**

**Article 1**

1. All crimes committed against state security within the context of the Angolan armed conflict until the effective date of this Amnesty Law are amnestied. For amnesty to be granted, the perpetrators of the crimes must have presented themselves or voluntarily present themselves to Angolan authorities within 90 days of the effective date of the law. Additionally, the perpetrators must accept social reintegration into the country.
2. The provisions of Article 1.1 above apply equally to cases in which the perpetrators of crimes have been captured and, within 60 days of the law entering into effect, declare to Angolan authorities their acceptance to being reintegrated into Angolan society.
3. Military crimes committed up to the effective date of the law are also amnestied. Exceptions to this provision are serious intentional crimes which result in loss of life. (Articles 18.3 and 19.3 of Law 4/94, dated 28 January 1994, refer.)
4. Perpetrators of crimes of desertion amnestied under the terms of Article 1.3 above have until 60 days following the effective date of this law to present themselves to competent authorities.
5. All common crimes punishable by correctional sentences, as well as contraventions committed up to the effective date of this law, shall be amnestied.
6. Crimes against honesty committed up to the effective date of this law and punishable under the terms of Article 55.1 of the Penal Code are amnestied under the condition that the victim of the crime grants pardon.

**Article 2**

1. Sentences already imposed and those that might be applied to cases not covered under Article 1 above may benefit from pardon under the following terms:
  - (a) The one half pardon, dealing with sentences imposed in accordance with Article 55.5 of the Penal Code, and the one quarter pardon, in cases of sentences foreseen under Article 55, subsections 1-4 of the Penal Code;
  - (b) The benefit of pardon is granted under the specific condition that the beneficiary not commit any serious intentional crime punishable by incarceration for more than one year for a period of three years from the date that the fulfilment of the sentence is terminated, or during the period of the sentence itself.

### **Article 3**

The present amnesty does not pertain to civil responsibility arising from crimes referred to in the law. The period for presenting a plea of compensation for losses and damages before a competent court shall begin on the effective date of the Amnesty Law.

### **Article 4**

Doubts and omissions resulting from interpretation and application of the Amnesty law are to be resolved by the National Assembly.

### **Article 5**

The Amnesty law becomes effective on the date of its publication.

Viewed and approved by the National Assembly in Luanda, 29 November 2000.

**President of the National Assembly**  
Roberto António Víctor Francisco de Almeida

Hereby published.

**President of the Republic**  
José Eduardo dos Santos

**Security Council**

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**Identical letters dated 11 January 2001 from the Chargé d'affaires  
a.i. of the Permanent Mission of Iraq to the United Nations  
addressed to the Secretary-General and to the President of the  
Security Council**

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 January 2001 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the ongoing wanton aggression against Iraq by United States and British aircraft in the unlawful no-flight zones and to the fact that in the period from 1 to 6 January 2001 they carried out 137 sorties, 72 of them from Saudi Arabia, 47 from Kuwait and 18 from Turkey.

The Minister reaffirms the Government of Iraq's condemnation of these acts of aggression against Iraqi territory, and he states that international responsibility for them must be borne by the United States of America, the United Kingdom and the countries that provide the logistic support for this aggression, namely Saudi Arabia, Kuwait and Turkey. He urges you to perform the duties assigned to you under the Charter by halting this unwarranted aggression and ensuring that it does not recur.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed Al-Humaimidi  
Chargé d'affaires a.i.



**Annex to the identical letters dated 11 January 2001 from the  
Chargé d'affaires a.i. of the Permanent Mission of Iraq to the  
United Nations addressed to the Secretary-General and to the  
President of the Security Council**

I should like to inform you that United States and British warplanes based in Saudi Arabia, Kuwait and Turkey have continued to violate the airspace of the Republic of Iraq. They carried out 137 sorties in the period from 1 to 6 January 2001, 72 of them from Saudi Arabia, 47 from Kuwait and 18 from Turkey, as shown hereunder.

1. In the northern region 18 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

At 1205 hours on 5 January 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Mosul, Irbil, Dohuk, Tall Afar, Zakho and Amadiyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1415 hours, drove them off.

2. In the southern region 119 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 1240 hours on 1 January 2001, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 18 missions, 12 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and six from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Qurnah, Nasiriyah, Samawah, Jalibah, Hayy, Shinafiyah, Rumaythah and Nukhayb areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1450 hours, drove them off.

(b) At 1241 hours on 4 January 2001, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 46 missions, 32 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 14 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Nasiriyah, Lasaf, Ar'ar, Nukhayb, Walid, H-3, Salman, Shinafiyah, Samawah, Najaf, Rifa'i and Qal'at Salih areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1515 hours, drove them off.

(c) At 0925 hours on 5 January 2001, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 18 missions, 10 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and eight from Kuwaiti territory with the support of an E-2C aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Basrah, Lasaf, Najaf, Samawah, Salman, Karbala' and Hashimiyah areas.

Our air defences, acting in self-defence, engaged the aircraft and, at 1415 hours, drove them off.

(d) At 1122 hours on 6 January 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 37 missions, 18 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 19 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Nasiriyah, Samawah, Qurnah, Qal'at Sukkar, Amarah, Najaf South, Lasaf, Jalibah, Salman and Artawi areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1500 hours, drove them off.

This aggression illustrates the bellicose attitude being maintained by the United States of America and the United Kingdom towards Iraq. Since 1992, it has become a fixed policy aimed at undermining the country's sovereignty, independence and territorial integrity and at the systematic and concerted destruction of Iraqi lives, infrastructure and civilian installations. It is a policy that has been affirmed in successive statements made by United States and British officials seeking to defend the measures being taken to enforce the no-flight zones.

The Government of Iraq categorically rejects the two so-called no-flight zones, which were imposed by unilateral decision of the United States of America and the United Kingdom and lack any legal basis. Iraq rejects all the consequences of this illegal decision and, in particular, the flimsy excuses and pretexts used by these States in an attempt to justify their military aggression against our country.

The logistic support provided by Saudi Arabia, Kuwait and Turkey to the Americans and the British has made these countries key partners in the aggression being committed against Iraq, so that they bear full international responsibility under international law. This includes liability for full compensation for the loss and damage, in both human and material terms, that is caused by these illegal practices.

The Government of Iraq further renews its call to the countries participating in this aggression to desist forthwith from internationally prohibited acts that violate Iraq's sovereignty, place its security and integrity in grave danger and pose a direct and serious threat to international peace and security.

As it condemns these acts of aggression against civilian targets and Iraqi civilian installations, the Government of Iraq urges you to intervene with the governments of the countries in question with a view to inducing them to halt, end and desist from any resumption of their constant and unwarranted aggression against an independent, sovereign State.

(Signed) Mohammed Said **Al-Sahaf**  
Minister for Foreign Affairs of the Republic of Iraq



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### **Report by the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council**

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 11 January 2001 from the Permanent Representative of the United States of America to the United Nations stating that Mr. Cameron Hume has been appointed alternate representative of the United States of America on the Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

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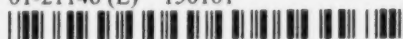
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**Letter dated 29 December 2000 from the Chairman of the Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia addressed to the President of the Security Council**

I have the honour to transmit herewith a report of the Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia, adopted by the Committee under the no-objection procedure on 26 December 2000 (see annex). The report is being submitted in accordance with paragraph 11 of Security Council resolution 1298 (2000) of 17 May 2000.

(Signed) Hasmy Agam  
Chairman

Security Council Committee established  
pursuant to resolution 1298 (2000) concerning  
the situation between Eritrea and Ethiopia



## Annex

### **Report of the Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia**

On 17 May 2000, the Security Council adopted resolution 1298 (2000), by which the Council decided to impose the following measures against Eritrea and Ethiopia:

*"The Security Council*

*...*

**"6. Decides that all States shall prevent:**

(a) the sale or supply to Eritrea and Ethiopia, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory;

(b) any provision to Eritrea and Ethiopia by their nationals or from their territories of technical assistance or training related to the provision, manufacture, maintenance or use of the items in (a) above; ..."

In accordance with paragraph 11 of resolution 1298 (2000), all States are requested to report in detail to the Secretary-General within 30 days of the date of adoption of this resolution on the specific steps they have taken to give effect to the measures imposed in paragraph 6 above.

As of 8 December 2000, replies received from 40 States were issued as documents of the Committee as indicated below:

|     |                   |              |                 |
|-----|-------------------|--------------|-----------------|
| 1.  | Brazil            | 15 June 2000 | S/AC.38/2000/1  |
| 2.  | Croatia           | 13 June 2000 | S/AC.38/2000/2  |
| 3.  | Sudan             | 14 June 2000 | S/AC.38/2000/3  |
| 4.  | Slovak Republic   | 15 June 2000 | S/AC.38/2000/4  |
| 5.  | Poland            | 16 June 2000 | S/AC.38/2000/5  |
| 6.  | Republic of Korea | 15 June 2000 | S/AC.38/2000/6  |
| 7.  | United Kingdom    | 16 June 2000 | S/AC.38/2000/7  |
| 8.  | Romania           | 20 June 2000 | S/AC.38/2000/8  |
| 9.  | Australia         | 20 June 2000 | S/AC.38/2000/9  |
| 10. | Germany           | 21 June 2000 | S/AC.38/2000/10 |
| 11. | Pakistan          | 22 June 2000 | S/AC.38/2000/11 |
| 12. | Liechtenstein     | 23 June 2000 | S/AC.38/2000/12 |
| 13. | Monaco            | 29 June 2000 | S/AC.38/2000/13 |

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|-----|-------------------------|-------------------|---------------------------|
| 14. | Ukraine                 | 16 June 2000      | S/AC.38/2000/14 and Add.1 |
| 15. | Denmark                 | 20 June 2000      | S/AC.38/2000/15           |
| 16. | Thailand                | 3 July 2000       | S/AC.38/2000/16           |
| 17. | Canada                  | 5 July 2000       | S/AC.38/2000/17 and Add.1 |
| 18. | Italy                   | 5 July 2000       | S/AC.38/2000/18           |
| 19. | Jordan                  | 10 July 2000      | S/AC.38/2000/19           |
| 20. | Bahrain                 | 10 July 2000      | S/AC.38/2000/20           |
| 21. | Norway                  | 6 July 2000       | S/AC.38/2000/21           |
| 22. | Armenia                 | 20 July 2000      | S/AC.38/2000/22           |
| 23. | Greece                  | 17 July 2000      | S/AC.38/2000/23           |
| 24. | San Marino              | 6 July 2000       | S/AC.38/2000/24           |
| 25. | Portugal                | 20 July 2000      | S/AC.38/2000/25           |
| 26. | Mali                    | 17 July 2000      | S/AC.38/2000/26           |
| 27. | Turkey                  | 20 July 2000      | S/AC.38/2000/27           |
| 28. | Philippines             | 27 July 2000      | S/AC.38/2000/28           |
| 29. | Sweden                  | 27 July 2000      | S/AC.38/2000/29           |
| 30. | Hungary                 | 28 July 2000      | S/AC.38/2000/30           |
| 31. | Spain                   | 28 July 2000      | S/AC.38/2000/31           |
| 32. | United Arab<br>Emirates | 15 August 2000    | S/AC.38/2000/32           |
| 33. | Belgium                 | 16 August 2000    | S/AC.38/2000/33           |
| 34. | Bulgaria                | 22 August 2000    | S/AC.38/2000/34           |
| 35. | Singapore               | 22 August 2000    | S/AC.38/2000/35           |
| 36. | Russian Federation      | 5 September 2000  | S/AC.38/2000/36           |
| 37. | Luxembourg              | 12 September 2000 | S/AC.38/2000/37           |
| 38. | Belarus                 | 19 September 2000 | S/AC.38/2000/38           |
| 39. | Iran                    | 29 September 2000 | S/AC.38/2000/39           |
| 40. | Panama                  | 8 November 2000   | S/AC.38/2000/40           |

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**Security Council**

Distr.: General  
12 January 2001

Original: English

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**Letter dated 12 January 2001 from the Secretary-General  
addressed to the President of the Security Council**

1. I have the honour to refer to the letter of 22 December 2000, addressed to me from the President of the Security Council (S/2000/1234), by which members of the Council conveyed their views on my report on the establishment of the Special Court for Sierra Leone (S/2000/915) and proposed amendments (see S/2000/1234, annex), to the draft Agreement between the United Nations and the Government of Sierra Leone and the proposed Statute annexed thereto (see S/2000/915, annex). In incorporating the proposed amendments to the two documents, I wish to put before the members of the Council my understanding of the meaning, scope and legal effect of some of the proposals made. My intention is then to present the amendments in that light to the Government of Sierra Leone. These understandings pertain to the personal jurisdiction of the Special Court, the funding and the reduced size of the Court.

**I. Personal jurisdiction — article 1 (a) of the draft Statute**

2. Members of the Council expressed preference for the language contained in Security Council resolution 1315 (2000), extending the personal jurisdiction of the Court to "persons who bear the greatest responsibility", thus limiting the focus of the Special Court to those who played a leadership role. However, the wording of subparagraph (a) of article 1 of the draft Statute, as proposed by the Security Council, does not mean that the personal jurisdiction is limited to the political and military leaders only. Therefore, the determination of the meaning of the term "persons who bear the greatest responsibility" in any given case falls initially to the prosecutor and ultimately to the Special Court itself. Any such determination will have to be reconciled with an eventual prosecution of juveniles and members of a peacekeeping operation, even if such prosecutions are unlikely.

3. Among those who bear the greatest responsibility for the crimes falling within the jurisdiction of the Special Court, particular mention is made of "those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone". It is my understanding that, following from paragraph 2 above, the words "those leaders who ... threaten the establishment of and implementation of the peace process" do not describe an element of the crime but rather provide guidance to the prosecutor in determining his or her prosecutorial strategy. Consequently, the commission of any of the statutory crimes without necessarily threatening the establishment and



implementation of the peace process would not detract from the international criminal responsibility otherwise entailed for the accused.

4. In subparagraphs (b) and (c) of article 1 of the draft Statute as revised, the Council proposes to deal in a comprehensive manner with all perpetrators of crimes falling within the jurisdiction of the Special Court, including peacekeeping personnel present in Sierra Leone during the relevant period. While recognizing the primary jurisdiction of the sending State over its peacekeeping personnel, the Council recognizes the need to authorize the Special Court to exercise its jurisdiction in the event that the sending State is unwilling or unable to carry out an investigation or prosecution. The amended article, however, falls short of inducing the unwilling State to surrender an accused person situated in its territory, with the result that a State which is unwilling to prosecute a person in its own courts would in all likelihood be unwilling to surrender that person to the jurisdiction of the Special Court.

5. In order to give full effect to the amended provision and to avoid politicization of a legal process by allowing third States to intervene and determine whether the sending State is unable or unwilling to investigate and prosecute, I suggest that a procedure similar to the one adopted in the Rules of Procedure and Evidence of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda be adopted in the case of the Special Court for Sierra Leone. Accordingly, the President of the Special Court, if convinced that the sending State is unable or unwilling to prosecute, may notify the Security Council and seek its intervention with the State in question to induce it to investigate and prosecute or to surrender the accused to the jurisdiction of the Court. I suggest that the following formulation replace the one presently contained in subparagraph (c) of article 1:

"In the event that the President of the Special Court is convinced that the sending State is unwilling or unable genuinely to carry out an investigation or prosecution, he or she shall notify the Security Council and seek its intervention with the sending State in order to induce it to conduct the investigation and prosecution in its own courts, or to surrender the accused to the jurisdiction of the Special Court."

6. The Rules of Procedure and Evidence of the Special Court will have to give effect to the new statutory provision by setting out the procedure for investigation by the prosecutor, the submission of a request for information on an investigation or prosecution carried out in the sending State or its intention in that regard, the transmittal of the evidence compiled in case of an investigation or prosecution in the sending State, or the submission of an indictment to the Trial Chamber in a manner similar to the one prescribed in rule 61 of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda.

7. Article 7 of the draft Statute, as amended, retains the principle of juvenile prosecution but omits any reference to a minimum age or to the guarantees of juvenile justice. On the understanding the members of the Security Council did not intend to allow prosecution below the age of 15, I suggest that article 7 should be amended to read:

**"The Special Court shall have no jurisdiction over any person who was under the age of 15 at the time of the alleged commission of the crime. Should any person who was, at the time of the alleged commission of the crime, between 15 and 18 years of age come before the Court ...".**

It is also my understanding that persons in this age group, if brought before the Court, will be entitled to all the guarantees stipulated in the draft Statute annexed to my report.

8. In proposing amendments to article 7, the members of the Security Council have also omitted any reference to the consequences of sentencing a juvenile, which were regulated in article 7, paragraph 3 (f) of the draft Statute attached to my report (cf. also article 19, paragraph 1). Even if it is unlikely that the Court would sentence a juvenile, the law must nevertheless clearly state that the Court is prohibited from applying imprisonment. I therefore propose that paragraph 3 (f) of the draft Statute be retained as article 7, paragraph 2. Consequently, the text proposed in the previous paragraph would become article 7, paragraph 1.

9. As pointed out by the Security Council, the Truth and Reconciliation Commission will have an important role to play in the case of juvenile offenders and I will endeavour, in cooperation with the Government of Sierra Leone and other relevant actors, to develop suitable institutions including specific provisions related to children to that end. I am also of the view that care must be taken to ensure that the Special Court for Sierra Leone and the Truth and Reconciliation Commission will operate in a complementary and mutually supportive manner, fully respectful of their distinct but related functions.

## **II. Funding — article 6 of the Agreement**

10. In my report to the Security Council, I underscored the need for a viable and sustainable financial mechanism and noted that a financial mechanism based on voluntary contributions will not provide the assured and continuous source of funding required for the operation of the Special Court (S/2000/915, para. 70). I concluded that a Special Court based on voluntary contributions would be neither viable nor sustainable. In recognizing the risks involved in commencing the operation of the Special Court on the sole basis of prospects of voluntary contributions, members of the Council proposed that the process of establishing the Court shall not commence until the United Nations Secretariat has obtained sufficient contributions in hand to finance the establishment of the Court and 12 months of its operations, as well as pledges equal to the anticipated expenses of the second 12 months.

11. I have examined the proposal made by members of the Security Council to defer the commencement of the implementation stage until contributions for the establishment and the first year of operations are in hand and pledges for the second year are obtained. While the necessary funds for the establishment and first year of operations (US\$ 25 million, according to the rough estimates provided in my report) may be obtained, I would still caution against the establishment of the Court on the basis of availability of funds for one year and pledges for the following year. Such a financial mechanism is not likely to ensure a regular flow of funds in the subsequent years, let alone the viability of the Court throughout its life span. I am therefore obliged to reiterate what I said in my report about the risks associated with the

establishment of an operation of this kind with insufficient funds, or without assurances of continuous availability of funds (S/2000/915, para. 70).

12. However, in view of the position expressed in the President's letter of 22 December 2000, I am ready to negotiate the conclusion of an Agreement for the establishment of a Special Court on the basis of voluntary contributions as suggested by members of the Security Council. I am nevertheless reluctant to engage the responsibility of the United Nations at this stage by concluding an Agreement with the Government of Sierra Leone in the absence of an indication as to whether funds are likely to be made available for the start-up of the Court and its sustained operation thereafter. I would, therefore, propose that the process of establishing the Court shall not commence until the United Nations Secretariat has obtained sufficient contributions in hand to finance the establishment of the Court and 12 months of its operations, as well as pledges equal to the anticipated expenses of the following 24 months. This extension of the Council's proposal by a further 12 months would provide a basis for a functioning Court over three years, which in my view is the minimum time required for the investigation, prosecution and trial of a very limited number of accused. I suggest, therefore, that as soon as an agreement is reached in principle between members of the Security Council, the Secretary-General and the Government of Sierra Leone, I will launch an appeal to all States to indicate, within a reasonable period of time, their willingness to contribute funds, personnel and services to the Special Court for Sierra Leone and to specify the scope and extent of their contributions. Upon receipt of concrete information, I will be able to assess whether the process of establishing the Special Court may commence or whether the matter should revert to the Council to explore alternate means of financing the Court.

13. In this connection, I welcome the idea of creating a committee to support the Special Court, and in particular the budgetary process. At the time of its establishment, however, it will be necessary to lay down clearly the criteria for the composition of the committee and its powers and responsibilities in order to ensure the efficient and cost-effective functioning of the Special Court in full independence. Pending the establishment of such a committee, and until it is otherwise decided, it is my intention to apply the United Nations Financial Regulations and Rules and Staff Regulations and Rules to the financial and administrative activities of the Special Court.

### **III. Size of the Special Court**

14. In reducing the size of the Special Court to a single Trial Chamber and an Appeals Chamber, members of the Security Council proposed that the appointment of alternate judges be deferred until such time as the need arises, and not before six months of the commencement of the functioning of the Special Court. While, as rightly indicated in the President's letter, alternate judges were not foreseen in the statutes of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the solution adopted by both Tribunals to the problem of absentee judges was to alternate judges between the Trial Chambers, and between the Trial and the Appeals Chamber. In the reduced structure of the Special Court, this option would neither be possible nor appropriate.

15. I would appreciate the concurrence of members of the Security Council to the changes proposed in my letter to articles 1 and 7 of the draft Statute as revised, and to my proposal to seek concrete information from States with respect to their preparedness to contribute funds, services and personnel before the conclusion of the Agreement with the Government of Sierra Leone.

(Signed) Kofi A. Annan

**Security Council**

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15 January 2001

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**Letter dated 12 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council**

On instructions from my Government, I have the honour to forward herewith a letter from the Minister of Foreign Affairs and Regional Cooperation of the Republic of Rwanda, His Excellency André Bumaya, to the Secretary-General, containing information about the intense preparations by Democratic Republic of the Congo armed forces and their allies, as well as Interahamwe and the Front pour la défense de la démocratie, to attack Rwanda Patriotic Army/Rassemblement congolais pour la démocratie positions in Tanganyika/Katanga Sector (see annex).

I would be grateful if this letter could be circulated as an official document of the Security Council.

(Signed) Isidor **Munyakazi**  
Chargé d'affaires a.i.



**Annex to the letter dated 12 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council**

The Government of Rwanda wishes to bring to the attention of the international community the fact that President Kabila and his allies continue to violate the Lusaka Peace Accord. Currently, they are poised to launch attacks on Rwanda Patriotic Army (RPA)/Rassemblement congolais pour la démocratie (RCD) forces in Tanganyika/Katanga sector.

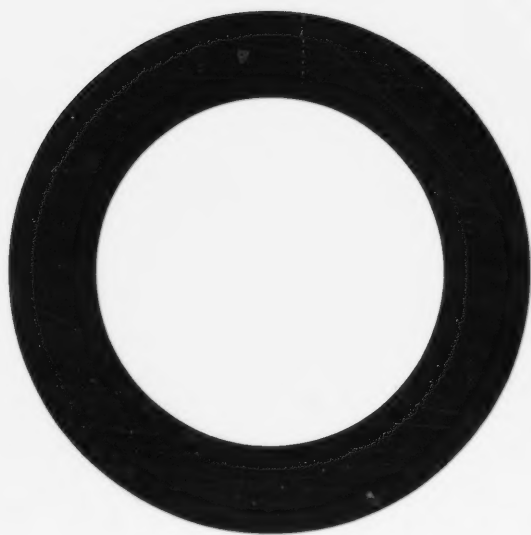
Once again, President Kabila and his allies are preparing in earnest to attack our positions in Katanga Province. As will be recalled, on 15 October 2000, as the heads of State met in Maputo and discussed the disengagement process, President Kabila unleashed Interahamwe/ex-Forces armées rwandaises (ex-FAR) perpetrators of genocide, together with the Forces armées congolaises (FAC) and its allies, against RPA and RCD positions in Pepa and surrounding areas. The intention was to annihilate our forces and take the war to Kigali/Bujumbura. These operations involved one brigade of Interahamwe/ex-FAR and two brigades of the Front pour la défense de la démocratie, in addition to FAC and its allies. RPA/RCD forces initially retreated and reorganized, and later launched a successful counter-attack, ending Kabila's offence. Pweto, which was the springboard for Kabila's offence, was taken in the process.

Currently, President Kabila and his allies are reinforcing troops in Kasenga, Lukonzolwa and Dubie. Zimbabwean forces involved number 2,000 troops, reorganizing in Kasenga and Dubie. Angola has also sent 2,400 soldiers. Helicopter gunships and fighter aircraft are being prepared in Lubumbashi. It should be recalled that the remnants of FAC and Interahamwe/ex-FAR, who had fled to Zambia, found their way back into the Democratic Republic of the Congo, and are also being reorganized and prepared to retake Pweto and together with their allies embark on their previously foiled mission.

The Government of Rwanda is disappointed that President Kabila and his allies have consistently chosen the path of war, and regrets that it is the innocent people that always suffer. It is the innocent that will fall victim to this senseless undertaking by President Kabila and his allies. Rwanda wishes to reiterate its commitment to the Lusaka Peace Accord and the Kampala Disengagement Plan. Rwanda reiterates its call on the Secretary-General to deploy more observers in order to allow us to pull back. Rwanda's offer to withdraw 200 kilometres from all forward-deployed positions still holds. Rwanda challenges President Kabila and his allies to reciprocate and give people a chance for peace.

Rwanda's offer of the olive branch, however, should not be misconstrued. Rwanda reserves its responsibility and retains the capability to defend itself. Recently, when President Kabila violated the ceasefire and even though Rwanda was swift to expose the aggression, it was Rwanda which bore the wrath of the Security Council in terms of condemnation for violations that it never committed. The Security Council should be our witness now. The United Nations Observer Mission in the Democratic Republic of the Congo should deploy in the area to observe the violations and report to the Security Council. Rwanda calls upon the Security Council to urge President Kabila and his allies to end their ill-advised activities.

*(Signed) André Bumaya*  
Minister of Foreign Affairs and Regional Cooperation





# Security Council

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## Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the period 27 July 2000 to 16 January 2001)

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### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1272 (1999) of 25 October 1999 and covers the activities of the United Nations Transitional Administration in East Timor (UNTAET) and developments in East Timor since 27 July 2000. During that period, the Security Council received three oral briefings, which have been published in the Council's records (S/PV.4191, S/PV.4203, S/PV.4236). The Council also received a report from its own mission that visited the region in November (S/2000/1105).

### II. Main developments

#### Political transition

2. One of the main developments during the past six months has been the emergence of a growing consensus among the Timorese people to seek independence by the end of 2001. The political transition was the subject of intensive discussion in the Cabinet, the National Council and with other East Timorese leaders. On 12 December the National Council endorsed the outlines of a political calendar proposed by Xanana Gusmão in his capacity as president of the National Council of Timorese Resistance (CNRT). Broad public consultations on the proposed calendar began in December, led by the National Council's Committee on Political Affairs.

3. Those discussions have resulted in agreement on the following sequence of steps. Phase one includes

nationwide consultation and decisions regarding the electoral modalities and the composition of the Constituent Assembly. In phase two, the Constituent Assembly will draft a constitution. The modalities for its adoption, whether by the Assembly itself or by referendum, are still under discussion. This will be followed by the establishment of a government. If a presidential form of government is adopted, as seems to be the current consensus, elections may be held. It is expected that the Constituent Assembly will become the first legislature of the independent State.

4. The timetable will be affected by a number of factors, including the security situation, possible technical difficulties in organizing the election and the complex political decision-making process. It is anticipated that under the shortest possible time frame, elections could be held in summer and independence declared late in the year.

5. UNTAET will be fully responsible for the conduct of the elections. The Electoral Assistance Division of the Department of Political Affairs at United Nations Headquarters carried out an initial needs-assessment mission in August and an electoral pre-planning session in Canberra in September, in cooperation with the Australian Electoral Commission. It also dispatched an electoral system education team in October and an advance planning and design team that has been in East Timor since mid-November. Special emphasis is being placed on sustainability and capacity-building in all aspects of electoral planning to enable the East Timorese to conduct their own elections in the future. It is envisaged that an



independent commission, composed of eminent Timorese and others, will oversee the elections.

6. During the reporting period, political activity increased. A major event was the CNRT congress, which was held in Dili last August and saw in-depth discussions of a range of national policy issues. Mr. Gusmão was re-elected as president and José Ramos-Horta and Mario Carrascalão were elected as vice-presidents. The congress brought to light differences between the leadership of CNRT and its main component party, the East Timor National Liberation Front (FRETILIN), as well as the Timorese Democratic Union. Neither of the two has joined the Permanent Council of CNRT. However, by the end of the year there were signs of improving relations. As political competition develops outside CNRT, many of its cadres are returning to their original parties or joining new ones. FRETILIN has embarked on a national restructuring and held subdistrict elections to prepare for a national congress in early 2001. The rival Popular Council for the Defence of the Democratic Republic of East Timor (CPD-RDTL) has campaigned for a return to the independent State proclaimed in 1975. The Social Democratic Party, established on 20 September and led by Mr. Carrascalão, offers a centrist political alternative and has attracted a number of younger CNRT leaders.

7. The campaigning of CPD-RDTL has drawn violent reactions from supporters of FRETILIN and CNRT, mainly in the Ainaro, Baucau, Bobonaro and Covalima districts. In the most serious incident, FRETILIN supporters attacked the home of the local CPD-RDTL leader in Venilale (Baucau district) on 3 December. Three CPD-RDTL members, including a senior national leader, were injured. The police have received cooperation from both parties and have served warrants against several suspects. In the light of the events of 1975, the East Timorese tend to associate political party activity with violence. A civic education programme to be launched in the near future will address those concerns.

8. The establishment of the National Council on 23 October significantly enhanced the participation of the Timorese in the political decision-making process. The National Council consists of 36 members — 13 from districts, 7 from civic organizations, 13 from political parties and three from religious groups. In its first session, Mr. Gusmão was elected Speaker and Milena Pires was elected Deputy Speaker. The National

Council has seven standing committees, which correspond to the cabinet portfolios.

9. On 19 October, José Ramos-Horta was sworn in as cabinet member for foreign affairs, so that East Timorese now hold five of the nine cabinet portfolios; the others are held by international staff. It is intended gradually to replace the international cabinet members with Timorese in the course of the year. While retaining the ultimate executive and legislative authority conferred upon him by the Security Council, the Special Representative of the Secretary-General has largely delegated these powers to the Cabinet and the National Council.

## Security

10. During the summer, the situation in the western districts gave cause for concern, as a result of a relatively high level of activity by militia groups that had infiltrated from West Timor. On 24 July a New Zealand soldier was killed in Covalima district in an encounter with militia members. On 10 August a Nepalese soldier was killed and two were wounded in the same district. In August militia groups also launched a number of brief but aggressive operations from West Timor into border areas of East Timor. At their peak, it was estimated that up to 150 militia members were operating in East Timor. The activities of the militias caused the temporary displacement of more than 3,000 persons. These activities decreased towards the end of September, following the launching of operations by UNTAET that put pressure on the militias. Following the onset of the rainy season, no major militia operations were observed. However, incidents on 2 December and 1 January in the Bobonaro district demonstrate that the problem persists.

11. In view of the militia activity, UNTAET suspended a planned reduction of the military component, brought in an additional rifle company and strengthened its surveillance and information capacity as well as its civil-military affairs elements.

## Refugees

12. The militias are based in the refugee camps in West Timor, where large numbers of East Timorese refugees continue to live in very difficult conditions

and are subject to intimidation by the militias. There are no indications of tangible progress in disbanding the militias and enabling the refugees to decide freely whether to return to their homes or to resettle in Indonesia. UNTAET has distributed factual information about East Timor in the refugee camps through non-governmental organizations, the Church and the Indonesian army. It has also arranged a number of visits to Dili by Indonesian journalists based in West Timor.

13. On 6 September three staff members of the United Nations High Commissioner for Refugees were killed in Atambua. As a result, all United Nations international staff were withdrawn from West Timor. On 8 September the Security Council adopted resolution 1319 (2000), in which it insisted, among other things, that the Government of Indonesia take additional steps to disarm and disband the militia and that it ensure safety and security in the refugee camps. The Security Council's mission to East Timor and Indonesia in November found that despite the collection of some arms, resolution 1319 (2000) remained largely unfulfilled. Following the mission, the Indonesian authorities met with UNTAET in Denpasar, Indonesia, on 30 November, with a view to implementing the agreement on a joint border committee that had been signed on 14 September.

14. On 6 December the Security Council adopted a presidential statement (S/PRST/2000/39) in which it stated that the Government of Indonesia must take decisive action to put an end to the activities of the militia, allow international relief agencies to return to West Timor and improve the flow of information to refugees. In order to ensure the security of the international personnel, the Council urged that discussions be held between the Government of Indonesia and the United Nations to facilitate an expert assessment of the security situation in West Timor. On 22 December the Government of Indonesia convened a meeting with the United Nations resident coordinator in Jakarta to discuss the question of a mission to assess security conditions in West Timor. There have been no further developments on this matter so far. On 11 January the trial of the six suspects in the Atambua murders opened in a Jakarta court.

15. In October divisions emerged within the pro-autonomy umbrella group and between the militias in West Timor and the Indonesian military. Eight militia leaders announced that they were prepared to return to

East Timor to face justice, and claimed that thousands of refugees would follow them if their security were assured. UNTAET has encouraged reconciliation efforts between CNRT and pro-Indonesia militias. In December East Timorese community leaders met with pro-autonomy supporters in Denpasar; this meeting was arranged with the help of the Indonesian authorities. Also in December, a group of East Timorese former reservists of the Indonesian armed forces and their families, more than 400 in all, returned to East Timor, principally to the Lautem and Viqueque districts. Over the Christmas holiday some 250 refugees visited East Timor. Efforts are under way in collaboration with the Indonesian army and the Government of Indonesia Task Force for Refugees to arrange further exploratory visits by militia leaders in early 2001.

### **III. East Timor Transitional Administration**

16. The East Timor Transitional Administration was established on 7 August 2000 to integrate East Timorese into all major decision-making areas within the Administration. In the Transitional Administration Cabinet, East Timorese now hold five of nine portfolios, namely foreign affairs, internal administration, infrastructure, economic affairs and social affairs (see attached chart).

17. The East Timor Transitional Administration has hired nearly 7,000 of the 10,554 civil servants projected for fiscal year 2000/01. Pre-placement language training and induction programmes have been organized, as well as computer courses. Some 25 courses are being offered in governance, public participation and management. More than 1,500 people, including political leaders and senior officials, have participated in those courses so far. A special unit has been established to expedite the replacement of international staff with qualified East Timorese civil servants.

### **Finance**

18. A revision of the East Timor combined sources budget for 2000/01 was agreed upon by the National Council and presented to the donor conference held in Brussels in December. Donors favourably received the

revised budget. Expenditure under the Consolidated Fund for East Timor and the World Bank-operated Trust Fund for East Timor for 2000/01 is estimated to be US\$ 123.95 million, with bilateral donors contributing \$95.69 million. The revenue to be raised in East Timor is estimated at \$25 million for the fiscal year. This reflects progress in implementing a taxation system.

### Foreign affairs

19. The Department of Foreign Affairs was created in October. A group of 50 trainees have completed a one-month diplomacy course, and 20 of those candidates will join the department as civil servants in early 2001. The department has had regular contacts with member countries of the Association of South-East Asian Nations with respect to eventual membership and the establishment of representative offices in their capitals.

20. Relations with Indonesia, a key concern, have been affected by the problem of the militias and refugees in West Timor. The fourth round of bilateral negotiations with Indonesia, which had been scheduled for early September, was postponed and will not be held before the end of January. Unresolved issues include the restoration of public records, archives and cultural artifacts, the terms under which East Timorese students will be able to continue their studies at Indonesian institutions and arrangements for free and unhindered movement of people and goods between the Oecussi enclave and the rest of East Timor, which is essential for the economic well-being of the enclave. In a most welcome step, the Government of Indonesia has informed UNTAET that all East Timorese people who are eligible for pensions as a result of their employment in the Indonesian Administration will receive pensions beginning in February 2001.

21. In accordance with an understanding reached last February and under the guidance of the Cabinet, UNTAET began negotiations with Australia to reach a new legal arrangement relating to petroleum activities in the Timor Sea. The first round took place in Dili in October. A second round is scheduled to take place in March. It is envisaged that the new arrangement would come into force upon independence.

### Defence

22. In preparing East Timor for independence, UNTAET has had to address the question of East Timor's security needs after the UNTAET military component is withdrawn. Based on a study coordinated by King's College (London), the Cabinet decided in September to establish the East Timor Defence Force (ETDF) as a light infantry force of 1,500 regular soldiers and 1,500 reservists, drawn initially from the Armed Forces for the National Liberation of East Timor (FALINTIL), the former guerrilla force. From 21 to 23 November, UNTAET met in Dili with the representatives of a number of interested Governments to discuss how the new force might best be set up. Australia and Portugal pledged significant support and undertook to play a leading role in this effort. Some 500 to 800 recruits are to be trained in 2001, so one battalion will have completed basic training by the time of independence. Training, infrastructure and equipment for ETDF depends on voluntary contributions. Personnel, operating and maintenance costs will be borne by the Government of East Timor. Enabling legislation for ETDF, providing for civilian oversight and accountability of the Force, will be adopted prior to the enlistment of soldiers. At the same time, the International Organization for Migration and the World Bank are organizing the reintegration of those FALINTIL members who will not join ETDF.

### Justice

23. The justice system is currently investigating more than 180 cases. To date, 240 cases have been settled through court-brokered mediation, and indictments have been filed in 42 cases. Fifteen trials are currently being held in district courts for crimes of murder, rape and theft. A shortage of skilled translators has hampered efforts at all levels. The Department of Justice has made progress in building the capacity of its Timorese personnel. On-the-job training and mentoring continued for 25 judges, 13 prosecutors, 8 public defenders, 25 court clerks and 131 prison officers. Four district courts opened and are now dealing with criminal and civil matters on a daily basis. A third district-level prison has opened.

24. The Serious Crimes Investigation Unit focused on two categories of crimes committed in September 1999. First, the Office of the General Prosecutor

submitted 10 indictments on cases to be tried under the Indonesian penal code. Those cases are expected to come to trial before the Special Panel for Serious Crimes at the end of January 2001. Second, the Unit is prosecuting suspects accused of crimes against humanity (murder, torture and the deportation or forcible transfer of the civilian population). Investigations in this category have focused on five priority cases: the Liquiça church massacre of 6 April 1999; the killings at the house of Manuel Carrascalão on 17 April 1999; the killings at the Maliana police station on 8 September 1999; the killings of clergy and other persons and the deportation or forcible transfer of the civilian population in the Lautem district from April to September 1999; and a case of violence against women in Lolotoe (Bobonaro district). The first indictment for crimes against humanity, relating to events in the Lautem district, was filed on 11 December. Of the 11 accused, 9 are currently detained in East Timor and 2 are at large, one of whom is an officer in Indonesia's Special Forces Command who was based in Los Palos East Timor, in 1999.

25. Under the terms of the Memorandum of Understanding between Indonesia and UNTAET regarding cooperation in legal, judicial and human rights matters, a team from the Serious Crimes Investigation Unit sought in December to interview witnesses in Jakarta. There is, however, considerable opposition in Indonesia to such cooperation and, although the Indonesian Attorney-General summoned the witnesses, they questioned the validity of the Memorandum of Understanding and did not appear. The Attorney-General has since stated that investigators from the Unit were welcome to return to Jakarta to interview suspects and that an attempt would be made to arrange a second visit. In November the Government of Indonesia passed an act concerning human rights courts to resolve gross violations of human rights with retroactive jurisdiction. The Attorney-General of Indonesia expects the first Human Rights Court to begin processing cases in February. The first lists of suspects include those from military, police, militia and civil administration categories in East Timor.

### Human rights

26. The Human Rights Unit has played an active role in the safe reintegration of refugees returning from

West Timor, in monitoring the returnees' security and in establishing mechanisms to prevent attacks against returnees. A steering committee of East Timorese community leaders and UNTAET representatives has drafted a regulation for the Truth, Reception and Reconciliation Commission, the formation of which was approved by the Cabinet on 13 December. This proposal is now the subject of consultations with communities and non-governmental organizations and is expected to be brought to the National Council early this year. The Commission will enable the East Timorese to create a public record of human rights abuses since 1975, to facilitate the reintegration of returning refugees and to promote community reconciliation by dealing with low-level offences committed in 1999.

### Police

27. Public safety has improved. Over the past six months, civilian police deployment has risen from 1,330 to 1,439 officers, including Rapid Reaction Unit officers trained in crowd control. In addition to the 300 Timor Lorosa'e Police Service currently providing police services, 50 former Indonesian police officers have graduated from the Police Training College after undergoing an intensive training course, which included instruction in democratic policing, ethics, human rights and community policing. The police have set up a special unit to prepare for security during the electoral process. Systems of traditional justice play an important role in preventing or settling minor crimes in districts through the establishment of a law and order committee composed of the head of the village, a priest, representatives of local organizations and a civilian police officer.

### Infrastructure

28. Significant progress has been made in repairing the infrastructure destroyed in 1999, although the speed of repairs has not met Timorese expectations. Rehabilitation of the ports has continued, with the completion of lighting, communications and fender facilities at the Dili port. Under the World Bank-operated Trust Fund for East Timor, the container hardstand area at the Dili port has been rehabilitated. The refurbishment of the arrival hall at the Dili airport was completed in August. Repair work to the Dili airport

runway has been completed, and conditions now comply with international standards. A regime of landing fees and charges has been implemented. Work was completed on three of the five major road projects. The deployment of district road supervisor engineers since September has assured proper monitoring of road conditions.

29. A government telephone exchange was established in November using equipment salvaged from the existing telephone exchange in Dili. Postal services have been restored to Dili and Baucau, and plans are under consideration for expansion. The programme of rehabilitation of the power network continues. At present 30 of 58 power stations are operational. In addition to the East Timor Transitional Administration programme, the Japanese and Portuguese Governments are restoring generators for subdistricts. The Cabinet endorsed the introduction of electricity charges, initially for larger institutional and commercial consumers of power.

30. Repairs to East Timor's water systems were undertaken through Japanese and Portuguese aid programmes complemented by Trust Fund for East Timor projects undertaken by the Asian Development Bank. The Government of Australia is funding a three-year rural water and sanitation project. Services at the district level have been improved with the deployment of water supply personnel responsible for the operation and maintenance of water systems. Under the public works programme for the renovation and refitting of public buildings, several refurbishments in Dili and the districts have been completed, including the Dili Court of Appeals and police headquarters. Arrangements are now in place for the registration of private motor vehicles, and an order has been placed for the first batch of 6,000 motor vehicle plates.

## Education

31. More than 820 schools as well as the National University of East Timor are now open. Some 200,000 students and 5,000 teachers in primary and secondary schools resumed classes in October. More than 600,000 new school textbooks, about two thirds of the total required, have been distributed to the districts. The rehabilitation and refurbishment of the country's schools is proceeding, although repairs have at times been delayed. More than 2,000 classrooms will be brought up to a basic operational level by April 2001.

The National University of East Timor opened on 17 November, with an enrolment of 4,442 students. More than 120 teachers are conducting courses in agriculture, economics, education and social and political science. Japan continues to provide funding for more than 300 East Timorese students in universities in Indonesia.

## Health

32. Three hospitals are functioning, in Baucau, Dili and Oecussi, as well as 71 community health centres at the district and subdistrict levels. Some 85 health posts have been established at the village level, as well as 116 mobile clinics. The Division of Health Services, formed in August from the Interim Health Authority, coordinates all activities in the health sector. The health programme consists of two main components: restoring access to basic services and addressing the immediate needs of the population of East Timor, including urgent reconstruction of health infrastructure; and developing appropriate medium- and long-term health policies.

## Land issues

33. The Cabinet's decision to delay the creation of a Land Commission until after independence has limited the work of the Land and Property Unit to issuing temporary use agreements and assisting in conflict resolution. A legal framework and an institutional mechanism have been designed by East Timorese and international land experts to assess and register uncontested rights and to adjudicate disputed land claims. East Timorese land dispute officers have now been trained. Assisted by a team of conflict resolution experts, they handle land conflicts, some of which are highly complex and date back to the 1950s and earlier. A significant number of simpler cases are being resolved on an ongoing basis. More than 200 temporary use agreements have been entered into with a variety of East Timorese and international companies and individuals. This has expedited the renovation and reconstruction of public and abandoned buildings. Rents raised from the administration of these properties are expected to generate about \$1 million in revenue for the East Timor consolidated budget during the current financial year.

### **Civil registry**

34. A civil registry has been established with German support and is now issuing birth, marriage and death certificates. The task of registering all inhabitants and issuing identity cards to all those aged 16 and older to verify identity and residence will begin in February 2001. The electoral roll will be drawn from data gathered in the national civil registry.

### **Border control**

35. The western border station in Batugade is operating effectively, while the Maliana station continues to function on a part-time basis. New stations are planned for Baucau, Covalima and Oecussi. As at 19 December, the Border Service had collected over \$6.8 million in taxes and duties, exceeding original projections. This figure includes approximately \$230,000 in fines and administrative penalties. The service is staffed by 179 Timorese officers.

### **Economic affairs**

36. Efforts to promote economic activity, including foreign investment continued. However, unemployment is very high and the needs far exceed the available resources and capacity. The lack of long-term security of land titles is a disincentive to both local and foreign investors. The Small Enterprises Project has generated economic activity, creating almost 1,000 jobs in 15 sectors. The project has distributed \$1.25 million of an approved amount of \$2.25 million. Many viable businesses have been funded, including restaurants, shops, mechanical repair, carpentry and agricultural processing firms. More than 3,400 businesses have been registered since April 2000, more than 84 per cent owned by Timorese. A microfinance development project funded by the Asian Development Bank has been approved to facilitate community-based opportunities for income generation and the creation of sustainable farm to non-farm employment. The project has three major components: institution-building and strengthening; rural finance for microenterprise activities; and project management. The first grant agreement is for \$4 million, out of a planned total of \$7.7 million.

37. Agriculture is the single largest contributor to the gross domestic product. Efforts to increase crop

productivity with the aim of ensuring food self-sufficiency and food security have been increased. One significant development in the rehabilitation of the agricultural sector has been the establishment of pilot agriculture service centres in eight districts. These provide services, goods and supplies required by the community. Sustainable development efforts have included the use of cheap and effective organic fertilizers by farmers on various food crops that now yield significant production. The production of rice, an important staple, has increased 20 per cent. The Cabinet supported this trend with its decision that East Timor coffee would be grown organically, in order to enhance its export value. Another significant development in the agricultural sector was a livestock vaccination programme. The fisheries sector is facing difficulty in protecting valuable fish stocks because East Timor is not in a position to maintain an exclusive economic zone offshore. Progress is being achieved in community irrigation programmes, enhanced by the repair of feeder roads leading to villages. Many dams, intakes, canals and dikes have been repaired and rivers rechannelled to provide water to farming areas. Local communities have taken the lead in these efforts.

### **Inspector General**

38. The office of Inspector General was created in July 2000. A senior East Timorese lawyer was appointed to lead the unit, which is responsible for developing a culture of accountability and transparency in the new government. One of his first activities was to investigate allegations of malfeasance in the recruitment of schoolteachers. The findings from this investigation have been implemented through measures approved by the Cabinet. The Inspector General has also investigated payroll fraud in the Covalima district, and audits are under way into customs, the power sector and the East Timor Trust Fund.

## **IV. Humanitarian assistance**

39. The humanitarian situation in East Timor continued to improve during the course of the second half of 2000. However, some communities remain vulnerable. Recovery from the widespread destruction of September 1999 has moved slowly forward. Prolonged rains damaged standing crops at the end of the last agricultural season. Although ongoing and

completed shelter programmes cater to an estimated 45,000 families with a target completion date sometime in the first half of 2001, an estimated 80,000 to 85,000 homes were destroyed in the violence of 1999, leaving approximately 35,000 to 40,000 families who may still be in need of some form of shelter assistance.

40. Food assistance continues to reach approximately 180,000 persons. The World Food Programme, through its implementing partners, will manage food assistance needs during the course of 2001. Continued food assistance is not a long-term solution in a country where ample land offers sufficient potential for production. However, nearly all agricultural vehicles were either stolen or destroyed in 1999, and this has weakened the transport and distribution networks required for agricultural markets to be reactivated. Plans for a disaster management office and a national disaster plan are currently under review in the National Council. The humanitarian assistance and emergency relief component was closed at the end of December. Its services will continue under the auspices of development-oriented offices within the East Timor Transitional Administration.

## V. Public information

41. Radio UNTAET, after some delay, can now be heard in most of East Timor's 13 districts and by nearly 70 per cent of Timorese, as well as by the large population of refugees and others in West Timor. A number of programmes have focused on providing information to the refugees to assist them in deciding whether to return. The subdistrict audience has been significantly increased with the distribution of 8,000 solar-powered receivers, a gift of the Government of Japan. Two community radio stations supported by the United Nations Educational, Scientific and Cultural Organization and the United States Agency for International Development, operate in Maliana and Los Palos. The Television Unit runs *Televisão Timor Lorosa'e* (TVTL), a round-the-clock station that broadcasts up to two hours of original programming per day, produced by East Timorese. As the transmission so far covers only greater Dili, a three-hour compilation of the highlights is sent by tape to the 13 districts once a week for viewing on mobile cinema units. Hundreds regularly gather at these events.

42. The Publication Unit produces a biweekly newspaper, *Tais Timor*, which has a circulation of

100,000 copies nationwide, in four languages. The Unit also produces the monthly *East Timor Update*, posters, brochures and other informational materials, usually keyed to important UNTAET or Transitional Administration campaigns. The Press Office holds press briefings, in English and Tetun, for Timorese and international journalists twice weekly, and at critical times. The Media Development and Training Unit focuses on helping the independent East Timor press to re-establish itself.

## VI. Organizational matters

43. As at 31 December, the strength of the UNTAET military component was 7,886 all ranks, including 120 military observers. The soldiers came from the following countries: Australia (1,600), Bangladesh (551), Bolivia (2), Brazil (83), Canada (3), Chile (32), Denmark (4), Egypt (75), Fiji (191), France (3), Ireland (44), Jordan (723), Kenya (264), Malaysia (35), Mozambique (12), Nepal (162), New Zealand (682), Norway (6), Republic of Korea (440), Pakistan (788), Peru (23), Philippines (640), Portugal (768), Russian Federation (2), Singapore (24), Sweden (2), Thailand (714), Turkey (2), Uruguay (5), United Kingdom of Great Britain and Northern Ireland (4) and United States of America (2).

44. The international civilian police comprised 1,402 officers from the following countries: Argentina (5), Australia (102), Austria (10), Bangladesh (45), Bosnia and Herzegovina (12), Brazil (10), Canada (20), Cape Verde (2), China (55), Egypt (15), Ghana (86), Jordan (222), Kenya (26), Malaysia (41), Mozambique (3), Namibia (9), Nepal (47), New Zealand (27), Nigeria (51), Norway (2), Pakistan (7), Philippines (105), Portugal (165), Russian Federation (4), Senegal (25), Singapore (40), Slovenia (2), Spain (18), Sri Lanka (29), Sweden (10), Thailand (37), Turkey (18), United Kingdom (15), Ukraine (8), United States (80), Vanuatu (24), Zambia (5) and Zimbabwe (20). Included in the above are two rapid response units of 120 each from Jordan and Portugal.

45. At the end of the year, UNTAET comprised 2,668 civilian staff, 877 of whom were internationally recruited and 1,791 were locally recruited. In addition, the mission was supported by 513 United Nations Volunteers. The delegation of authority by United Nations Headquarters to the mission for the recruitment of substantive staff, effective early December 2000, is

expected to speed up the identification, recruitment and deployment of staff for the East Timor Transitional Administration. The mission continues to face a shortage of senior experienced staff in the areas of administration, personnel and communications.

## VII. Financial aspects

46. The General Assembly, in its resolution 55/228 of 23 December 2000, appropriated \$563 million gross for the operation of UNTAET for the period from 1 July 2000 to 30 June 2001, at a monthly rate of \$46,916,666 gross. Should the Council decide to extend the mandate of the Transitional Administration, the cost of maintaining UNTAET will be limited to the monthly rate approved by the Assembly. The proposed budget for UNTAET for the period from 1 July 2001 to 30 June 2002 is currently under preparation for consideration by the Assembly at the resumed part of its fifty-fifth session. As at 15 December 2000, unpaid assessments to the Special Account for UNTAET for the period since its inception on 1 December 1999 amounted to \$146.9 million. The total outstanding assessed contributions for all peacekeeping operations amounted to \$1,990.4 million.

## VIII. Observations

47. In the past six months there has been a concerted effort to accelerate the transfer of authority to the Timorese. With the all-Timorese National Council, the Timorese majority in the Cabinet and the all-Timorese judiciary, they now exercise substantial governmental powers. Timorese civil servants and United Nations international staff work side-by-side in an integrated administration. While the United Nations retains overall responsibility in accordance with Security Council resolution 1272 (1999), I envisage the further progressive delegation of authority until authority is finally transferred to the government of the independent State. This is an innovative approach, which requires a great deal of understanding and flexibility from all involved. However, it is designed to meet the Security Council's objective of preparing the Timorese for self-government and responds directly to the desire of the Timorese to take charge of their own fate.

48. Another innovation is the involvement of UNTAET in the creation of the East Timor Defence Force as a consequence of its responsibility to prepare East Timor for independence. The establishment of this force is coordinated by the East Timor Transitional Administration but depends entirely on the support of the Governments that have expressed their readiness to assist. I appeal to these Governments to continue their assistance in this important endeavour.

49. The question of security remains a matter of concern. Although infiltration by militia groups from West Timor has decreased in recent months, the threat will remain as long as the Government of Indonesia does not disband those groups. This is also an essential step towards the overdue solution of the problem of the refugees who are still in camps in West Timor. As emphasized by the Security Council, it is incumbent upon the Indonesian authorities to ensure safety and security in the refugee camps and for international personnel.

50. The goal of reaching independence before the end of this year is, no doubt, ambitious and leaves little room for technical or political delays. However, I believe that setting this target assists the process of transition, and the United Nations will certainly do all it can to help achieve it. At the same time, it must be recognized that, once independent, East Timor will still require substantial international support that goes well beyond the kind of assistance normally provided to a developing country. For example, the East Timor Defence Force will not be fully established by the end of the year and it may therefore be necessary to maintain what is now the UNTAET military component at a strength to be determined in the light of developments. Similarly, building up the Timorese police will take well beyond 2002, so that an international police presence will continue to be needed. The same applies to a broad range of functions within the various departments, where it will take some time until all the international staff are replaced by Timorese civil servants. The judicial sector, to mention just one, will require international support for several years.

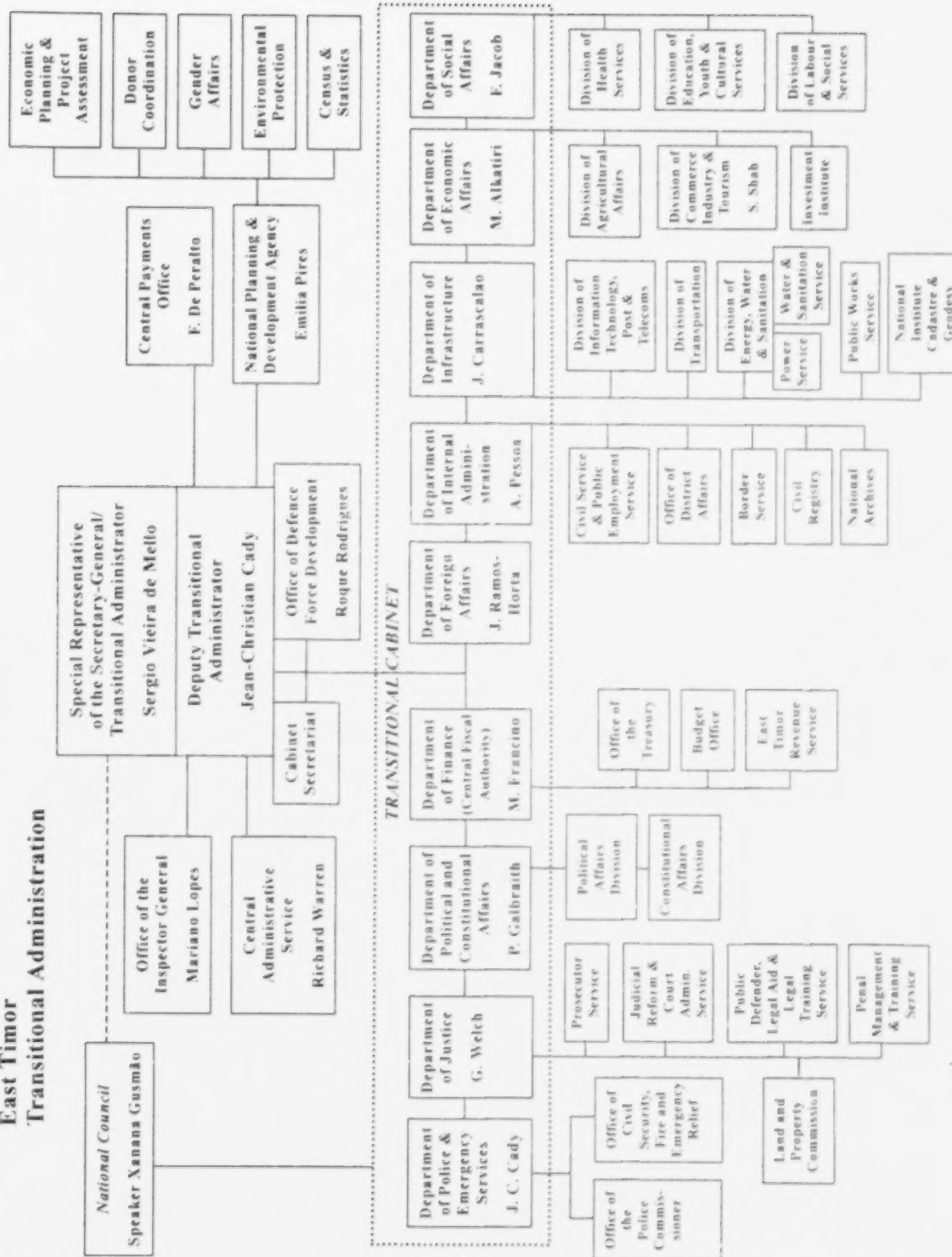
51. In the interest of effectiveness, I believe that such support should be provided through an integrated mission under a Special Representative of the Secretary-General, mandated by the Security Council and funded from assessed contributions. Of course, financial assistance to East Timor will have to come, as

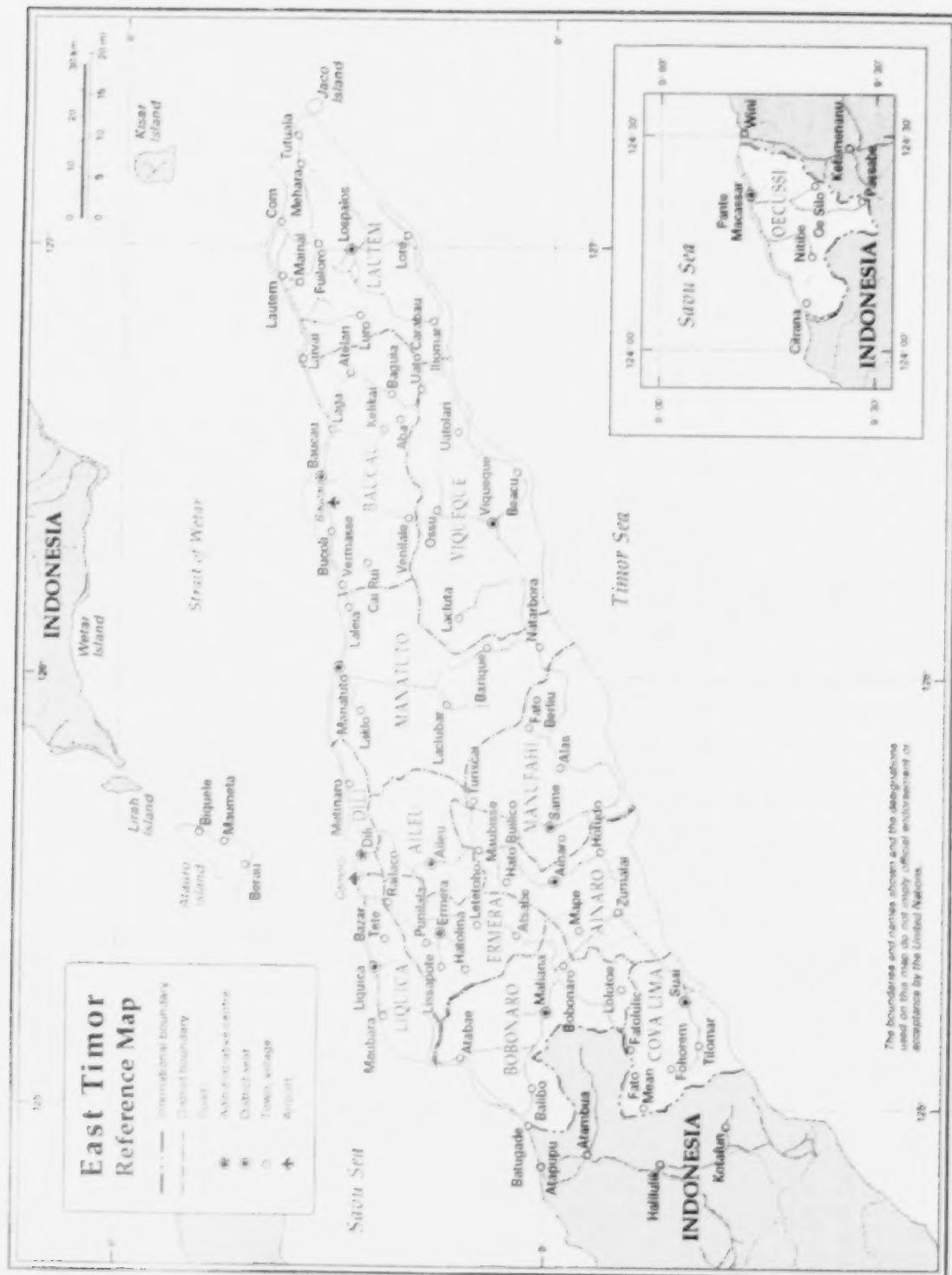
it does now, from voluntary contributions. However, I wish to recall in this connection that the Security Council requested the President of the General Assembly last November to give consideration to increasing flexibility in the use of assessed resources allocated to complex peacekeeping operations such as UNTAET. This should also apply to the follow-on operation. Subject to the decision of the Security Council, the new operation would function in the independent East Timor in accordance with an agreement to be concluded with the new Government. I have asked UNTAET to draw up plans for such an operation in close consultation with the Timorese and the partner organizations. I shall in due course submit my recommendations on this matter to the Council for consideration.

52. Bearing in mind the calendar of transition and the changes that independence will bring, I recommend that the Security Council at this stage extend the UNTAET mandate until the end of the year, that is, until 31 December 2001.

53. Finally, I wish to express my deep appreciation to the Member States that have continued to give their steadfast support to this mission. I also wish to pay a warm tribute to Mr. Vieira de Mello, my Special Representative, and to all the men and women of UNTAET and its partner organizations. The United Nations has cause to be proud of what they have accomplished.

# Organization chart East Timor Transitional Administration





**General Assembly  
Security Council**

Distr.: General  
15 January 2001  
English  
Original: Arabic

**General Assembly  
Fifty-fifth session  
Agenda item 40  
The situation in the Middle East**

**Security Council  
Fifty-sixth year**

**Letter dated 15 January 2001 from the Permanent  
Representative of Lebanon to the United Nations addressed  
to the Secretary-General**

On instructions from my Government, and following my previous letters, I have the honour to inform you of a series of Israeli violations of Lebanese sovereignty which occurred on 14 January 2001:

**Violations on 14 January 2001**

| <i>Time</i> | <i>Place</i>                                                                                      | <i>Remarks</i>  |
|-------------|---------------------------------------------------------------------------------------------------|-----------------|
| 1120        | South and Mount Lebanon/10 points targeted by aircraft                                            | Medium altitude |
| 1300        | Tyre/military aircraft                                                                            | Medium altitude |
| 1320        | Western Bekaa/military aircraft and release of military balloons                                  | Medium altitude |
| 1340-1400   | Strafing of the central zone of Tallat al-Sammaqah within the Shab'a farmlands using machine-guns |                 |
| 1400        | Beirut-Mount Lebanon/military aircraft, breaking the sound barrier                                |                 |
| 1445        | North Beirut/military aircraft                                                                    | Medium altitude |
| 2200-2210   | Military helicopters opposite Naqurah                                                             |                 |

This new series of Israeli violations, which follows upon previous violations, constitutes a flagrant violation of Security Council resolution 425 (1978) and of the sovereignty of Lebanon, and is a threat to stability in the region.



I should be grateful if you would have this letter circulated as a document of the General Assembly at its fifty-fifth session, under agenda item 40, and of the Security Council.

(Signed) **Sélim Tadmoury**  
Ambassador  
Permanent Representative

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**Security Council**

Distr.: General  
15 January 2001  
English  
Original: Arabic

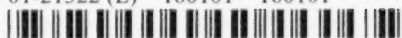
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**Letter dated 14 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General**

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 January 2001 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, conveying Iraq's request for an inquiry into the use of depleted uranium by the United States and the United Kingdom in their 1991 aggression against Iraq. This has been a direct cause of injury to hundreds of thousands of Iraqi civilians, especially children and women, and of the appearance of unusual pathological conditions of which Iraq had no experience prior to the aggression.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed **Al-Humaimidi**  
Chargé d'affaires a.i.



**Letter dated 14 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General**

I refer to our letters dated 5 October 1994 (S/1994/1131), 26 May 1998 (S/1998/430, annex) and 1 July 1998 (S/1998/601, annex) addressed to you on the subject of the suffering inflicted on the Iraqi people by the use of munitions containing depleted uranium by United States and British forces during the aggression against Iraq of January 1991, the serious impact on health of exposure to this radioactive metal and the hundreds of thousands of casualties, especially children and women, that such exposure has caused. Today, world media and policy circles are once again exposing the use of depleted-uranium munitions by the United States armed forces, this time in their war of aggression against the Federal Republic of Yugoslavia in 1999. Reports indicate that, because of their use, many members of the forces that participated in this war have died of or have contracted cancerous diseases as a result of exposure to depleted-uranium radiation.

Since the 1991 "Anglo-Saxon" aggression against Iraq ended, many of the world's medical and scientific authorities have warned of the grave consequences of the use of depleted-uranium munitions against Iraq, and those consequences promptly emerged in the form of unusual pathological conditions of which Iraq had had no experience prior to the war. Seventy-five per cent of cases involved children, who began to suffer increasingly from leukaemia and congenital and genetic deformities, and lung, digestive-tract, blood and skin cancers became increasingly widespread. The primary cause of all of these types of cancer is exposure to radiation.

Admissions made by many United States and British officials have confirmed that depleted-uranium munitions were used against Iraq, as was also demonstrated in the communications indicated above.

On the basis of the foregoing and given all of these facts, the Government of the Republic of Iraq urges you to order a prompt inquiry, to be conducted by reliable medical and scientific authorities in cooperation with the relevant Iraqi scientific bodies, into the use of depleted uranium against Iraq and to expose such use as a direct cause of injury to hundreds of thousands of Iraqi civilians and of damage to all aspects of the environment.

I look forward to your prompt and positive response, as required by your legal and moral responsibilities, to Iraq's concerns and to its call for facts to be brought to light that will undoubtedly lead to the condemnation of the inhuman and immoral practices of the United States and the United Kingdom against Iraq.

(Signed) Mohammed Said **Al-Sahaf**  
Minister for Foreign Affairs of the Republic of Iraq

**Security Council**Distr.: General  
12 January 2001

Original: English

**Progress report of the Secretary-General on Ethiopia and Eritrea****I. Introduction**

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, in which the Council requested me, *inter alia*, to keep it closely and regularly informed of progress towards the implementation of the resolution. The report provides an update on political and humanitarian developments since my report of 18 September 2000 (S/2000/879). It also describes the status of deployment of the United Nations Mission in Ethiopia and Eritrea (UNMEE) as authorized by the Security Council in resolutions 1312 (2000) of 31 July 2000 and 1320 (2000) of 15 September 2000.

**II. Political developments**

2. As part of a trip to several African countries, I visited Ethiopia and Eritrea from 5 to 9 December 2000, accompanied by the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Political Affairs. While in Addis Ababa, I met Prime Minister Meles Zenawi, Foreign Minister Seyoum Mesfin and other senior government officials, as well as the Secretary-General of the Organization of African Unity, Mr. Salim Ahmed Salim. I took part in the Africa Development Forum 2000, which focused on the problem of HIV/AIDS in Africa, and visited two United Nations-supported development projects that provide much-needed social services to people living with the disease. In Asmara, I met President Isaias Afwerki, Foreign Minister Ali Said Abdella and other senior government officials. I visited the UNMEE military camp site in the town of Adi Keyh, and met

with newly deployed United Nations troops at Dek'emhare.

**Agreement of 12 December 2000**

3. As indicated in my briefing of 15 December 2000 to the Security Council, on 12 December 2000, I witnessed the signing of the Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia (A/55/686-S/2000/1183), at a ceremony hosted by President Bouteflika in Algiers. Also in attendance were the United States Secretary of State, Mrs. Madeleine Albright, the Secretary-General of the OAU, Mr. Salim Ahmed Salim, the Representative of the President of the United States of America, Mr. Anthony Lake, and the Personal Envoy of the President of the European Union, Mr. Rino Serri. In welcoming the Agreement, I stated that it reflected the collective will of the leaders and Governments of both countries to set aside a destructive dispute, and to turn their energies and abilities to advancing the shared needs of both their peoples. I paid a tribute to the tireless efforts of the OAU and its Secretary-General, and particularly to those of President Bouteflika of Algeria, in bringing the proximity talks to a successful conclusion. I also expressed my appreciation to Mr. Lake and Mr. Serri.

4. In my letter to the President of the Security Council, dated 14 December 2000 (S/2000/1194), I stressed that the signing of the Agreement marked an important victory for peace between the two countries and a major achievement for the African continent as a whole. The Agreement provides that the two parties shall permanently terminate military hostilities between themselves, shall refrain from the threat or use



of force against each other, and shall respect and fully implement the provisions of the Agreement on Cessation of Hostilities of 18 June 2000 (S/2000/601, annex). The 12 December Agreement also provides for the early release and repatriation of prisoners of war and all other persons detained as a result of the armed conflict. At the same time, the text calls for an investigation to be conducted by an independent and impartial body to determine the origins of the conflict. The Agreement further envisages the establishment, as described in paragraphs 5 and 6 below of a neutral boundary commission which is mandated to delimit and demarcate the colonial treaty border based on pertinent colonial treaties and applicable international law. In addition, the Agreement further provides for the establishment of a neutral commission to decide on all claims for loss, damage or injury from either side.

5. In its resolution 1320 (2000), the Security Council emphasized that the Agreement on Cessation of Hostilities links the termination of the peacekeeping mission to the completion of the process of delimitation and demarcation of the Ethiopian-Eritrean border, and requested me to provide regular updates on the status of this issue. By agreeing to the establishment of a neutral boundary commission, as provided in the 12 December Agreement, the parties took a very important step towards the delimitation and demarcation of their common border.

6. It should be noted that the 12 December Agreement sets strict deadlines for the establishment and the functioning of the Boundary Commission. Each party must appoint, by written notification to me, two commissioners within 45 days from the effective date of the Agreement, and the President of the Commission is to be selected by these commissioners within 30 days of the date of appointment of the last party-appointed commissioner. In the event that these deadlines are not met, the parties will request that I make the necessary appointments. Under the Agreement, "the United Nations Cartographer" is expected to serve as Secretary to the Commission and each party must provide to the Secretary its claims and evidence relevant to the mandate of the Commission within 45 days after the signing of the Agreement. The Commission is expected to commence its work not more than 15 days after it is constituted and shall endeavour to make its decision concerning delimitation of the border within six months of its first meeting, following which it shall arrange for expeditious demarcation of the border.

Accordingly, I urge both parties to comply with these deadlines.

### **III. Status of the United Nations Mission in Ethiopia and Eritrea**

7. In a letter to the President of the Security Council, dated 29 September 2000 (S/2000/947), I informed the Council of my decision to appoint Mr. Legwaila Joseph Legwaila (Botswana) as my Special Representative for Ethiopia and Eritrea. Upon his arrival in the Mission area in early-November, my Special Representative began a series of meetings with the government authorities and representatives of the diplomatic community in both countries, as well as the OAU. My Special Representative paid a courtesy visit to President Bouteflika in Algiers in November, and also accompanied me there to attend the signing ceremony of the 12 December Agreement. He also undertook field visits to UNMEE sector headquarters and military team sites on both sides of the border.

8. My Special Representative and the Force Commander of UNMEE, Major-General Patrick C. Cammaert (Netherlands), who assumed his functions on 1 November 2000, travel regularly between the two UNMEE offices in Asmara and Addis Ababa, so as to maintain close contacts with the two parties and the OAU. Mr. Legwaila has been joined by the two Deputy Special Representatives, Mr. Ian Martin and Mr. Cheikh-Tidiane Gaye, who are serving their duties in Asmara and Addis Ababa, respectively.

#### **Deployment of the United Nations Mission in Ethiopia and Eritrea**

9. As at 11 January 2001, the strength of the military component of UNMEE stood at 3,432 military personnel from over 35 countries, including 153 military observers as well as national support elements. With the continued cooperation of both Governments, UNMEE expects to be fully deployed and operational by the end of February 2001, with a total strength of 4,200 troops, including 220 military observers, as authorized by Security Council resolution 1320 (2000).

10. The staffing of the Force Headquarters of UNMEE is nearly complete. Two battalions and most of the Force support units are fully deployed, with the Dutch/Canadian battalion present in the central sector, and the Jordanian battalion in the western sector. In the

eastern sector, an advance party of the Kenyan battalion is about to deploy, while its main body is expected to be inducted in February 2001. Force units, including an aviation unit from Italy, a demining engineering unit from Slovakia and a guard and administrative unit from Denmark are fully operational. A level-II hospital from Jordan is being established. A military police company from Italy is currently deploying. The force reserve and construction engineering companies from India are expected to deploy by the end of January 2001, and an engineering company from Bangladesh is expected to arrive in the coming month.

11. In carrying out their activities, the United Nations military observers continue to liaise with the parties at the Headquarters and field levels, and meet regularly with their counterparts in both countries in the respective Commissions for Coordination with the Mission and in the field. The military observers investigate complaints received from the parties, which helps to build confidence.

12. As at 11 January 2001, there were 128 international and 66 national staff members in place. To date, the Mission has received a substantial number of authorized vehicles. Its air assets include one small jet aircraft, six medium-range helicopters and one transport plane. The Government of Italy has provided UNMEE with additional air assets, which are indispensable for the conduct of the operations. UNMEE reported that the deployment operation by sea and air had proceeded thus far in a very efficient manner. In this regard, I should like to express my appreciation to local authorities for the assistance provided to UNMEE at the Port of Massawa, which allowed its deployment to proceed without undue impact on the very busy port traffic, and also to the World Food Programme.

13. I should like to thank the countries participating in the Standby High Readiness Brigade (SHIRBRIG) arrangement, as well as the other troop-contributing countries, for their prompt and generous commitments, which allowed a quick and efficient deployment of the Force. I am also gratified at the high level of cooperation and responsiveness of troop-contributing countries in providing, on a temporary basis, movement control specialists to undertake deployment tasks hand in hand with UNMEE. It should be noted that this is the first time that such a joint venture has been achieved during a deployment phase, and valuable

experience has been gained for future operations. In the area of procurement, a number of contracts for office accommodation and fuel, both for ground and aviation transport, are in place. Unfortunately, despite the efforts of the United Nations, few accommodation sites have been identified by either Government for use free of charge. This has in some cases delayed the ability of UNMEE forces to deploy to final locations. I therefore call upon the parties to facilitate the provision of suitable premises and sites for UNMEE in an expeditious manner.

#### **Military Coordination Commission**

14. The first meeting of the Military Coordination Commission (MCC), established in accordance with the Agreement on Cessation of Hostilities of 18 June 2000, was held at Nairobi on 2 December 2000 under the chairmanship of the Force Commander of UNMEE, with the participation of representatives of the two parties and of the OAU. In his opening statement, my Special Representative reminded the parties that the peace process was gathering momentum and that they had an obligation to contribute to it. He also underscored the importance of granting to UNMEE unimpeded land and air access and freedom of movement to facilitate the work of the Mission and of the MCC. The parties were invited to consider the possibility of the MCC holding alternate meetings in Addis Ababa and Asmara.

15. At the 2 December 2000 meeting, the Eritrean and Ethiopian authorities confirmed their prior agreement to open two additional land access routes on 7 December 2000, following the opening of the first such route on 28 November, to enable UNMEE convoys to cross the frontlines in all of its three deployment sectors. The parties also agreed to submit to the Force Commander their redeployment plans by 12 December 2000, and to provide UNMEE by 14 December with information on known and suspected minefields. The Mission has received some information from Ethiopia and is awaiting a response from Eritrea. There was also an agreement on the modalities for the removal of bodies of those killed in action on the Manda-Assab road. As planned, 20 bodies were recovered on that road and returned in solemn ceremonies held on 6 and 14 December.

16. The MCC reconvened at Nairobi on 28 December 2000. At this second meeting, both parties agreed to the development of protocols to improve the freedom

of movement of UNMEE fixed-wing and rotary aircraft in the Mission area. There was also an understanding on the need to develop full transparency of all relevant information on known and suspected minefields, in order to reduce the risk to UNMEE peacekeepers deployed in the area.

17. However, the parties could not reach an agreement on the redeployment of Ethiopian forces and repositioning of Eritrean forces, and maintained differing views over which areas were or were not under Ethiopian administration before 6 May 1998. The MCC decided therefore that the matter be referred to my Special Representative, who is currently actively pursuing it. In this connection, it will be recalled that the Agreement on Cessation of Hostilities required Ethiopia to submit to the peacekeeping mission redeployment plans for its troops from positions taken after 6 February 1999 which were not under Ethiopian administration before 6 May 1998. It also requires Eritrea to maintain its forces at a distance of 25 kilometres from positions to which the Ethiopian forces are to redeploy. Ethiopia submitted its redeployment plans to UNMEE on 12 December 2000.

18. In the meantime, cross-border land access routes were opened in all three sectors of the Mission's operation, and the UNMEE Mine Action Coordination Centre organized the clearance of mines and unexploded ordnance from these routes prior to their opening. The first land access route was opened on 28 November 2000, from Adi Keyh in Eritrea to Adigrat in Ethiopia (central sector). Two additional land routes were opened on 7 December, from Assab to Manda (eastern sector) and from Shambiko to Shiraro (western sector). A fourth land route was opened from Omi Hajer to Humera (western sector) on 26 December, and a fifth land route between Adi Quala and Rama (central sector) was opened on 8 January 2001. The opening of these land access routes has increased the freedom of movement for UNMEE peacekeepers and paves the way for their deployment in the future Temporary Security Zone.

19. The parties have also granted authorization for the use by UNMEE of low-level air routes over these land routes, to increase the Mission's access to its team sites on both sides of the border. This improves the timely delivery of supplies, and is also essential for medical evacuation purposes. The important issue of direct flights between Addis Ababa and Asmara has been resolved, and they are expected to begin on

15 January 2001. These direct flights between the two capitals will enhance the operational and logistical capabilities of UNMEE and reduce the safety risks to its personnel. I wish, therefore, to thank both Governments for heeding my appeal to authorize such flights.

20. Although several incidents occurred during the reporting period, which involved small exchanges of fire between Eritrean and Ethiopian forces on or near their frontlines, causing casualties in a few cases, investigations conducted by UNMEE have led to the conclusion that these did not constitute deliberate breaches of the ceasefire by either side. These incidents do point, however, to the importance of establishing the Temporary Security Zone at the earliest possible date.

### **Status-of-forces agreements**

21. Revised draft status-of-forces agreements, including amendments received from the two Governments, were submitted by the Secretariat to the Permanent Representatives of Ethiopia and of Eritrea on 1 November and 1 December 2000, respectively. While both Governments have reiterated their commitments to sign the agreements with the United Nations as soon as possible, including during my recent visit to Addis Ababa and Asmara, these agreements have still not been concluded. I therefore wish to reiterate my call to both parties to conclude without further delay the status-of-forces agreements which, as requested by the Security Council in its resolution 1320 (2000), should have been concluded by 15 October 2000.

### **Public information**

22. As UNMEE continues to deploy (see paras. 9 to 13 above), its Public Information Office is expanding its outreach and coverage, from both Asmara and Addis Ababa.

23. Substantive progress has been achieved in the negotiations with the broadcast authorities of both countries to provide free airtime for UNMEE-produced radio programmes. Initially, UNMEE will produce one hour per week of news and features in English, as well as in local languages, in both countries. Additional hours are expected to be provided as the Mission's capacity to produce more radio material increases. UNMEE may be able to launch its radio broadcasts in the course of January 2001. The Office has also

prepared a series of public service announcements in the above-mentioned languages for broadcast on radio and television.

#### IV. Mine action

24. The presence of landmines and unexploded ordnance in the future Temporary Security Zone and areas adjacent to it is a threat not only to UNMEE personnel but also to the populations concerned. The Mission frequently receives reports of land mine explosions on both sides of the border.

25. To better coordinate mine action activities, UNMEE is establishing a mine-action priority-setting coordination group at the UNMEE Asmara office, chaired by the Deputy Special Representative. The UNMEE Mine Action Coordination Centre will provide the coordination group with secretariat functions and expert advice, and supervise the implementation of mine action based on the group's decisions and recommendations.

26. The signing of the 12 December Agreement has created great expectations among internally displaced persons. The possibility of spontaneous movements of internally displaced persons anxious to return to their homes and lands, before demining can be undertaken and the Mine Action Coordination Centre is able to declare those areas safe, is a source of major concern. UNMEE and the Humanitarian Coordinator have begun discussions with the Eritrean authorities regarding the planned return of their administration to the future Temporary Security Zone and the need to inform internally displaced persons about the dangers of premature returns to some of their villages, especially those located close to former frontlines. There is also an urgent need to sensitize internally displaced persons and returnees to mine awareness, through a public education programme supported by the United Nations Children's Fund and the Mine Action Coordination Centre.

#### V. Humanitarian developments

27. On 18 December 2000, shortly after my visit to the Mission area, I wrote to the President of Eritrea and the Prime Minister of Ethiopia, urging that the commitments made in the 12 December Agreement be carried out fully and without delay, to release the

prisoners of war, detainees and internees, and to ensure the humane treatment of each other's nationals within their respective territories. I noted that those who are at risk of statelessness, as a result of forced displacements between the two countries, need to have their status resolved in accordance with relevant international principles. I expressed confidence that in the fulfilment of these commitments, both Governments would work closely with the International Committee of the Red Cross (ICRC) and with the human rights unit of UNMEE.

28. On 28 November 2000, 836 persons of Ethiopian origin were repatriated from Eritrea with the assistance of ICRC. Further operations were conducted under ICRC auspices in December 2000, for the repatriation of over 3,500 Ethiopian civilians. On 23 and 24 December, following announcements by both Governments that they would begin releasing prisoners of war, ICRC undertook the first repatriation of 360 Ethiopian and 359 Eritrean soldiers, among the sick and seriously wounded. The aircraft transporting the freed soldiers was allowed direct air access between Addis Ababa and Asmara. On 6 January 2001, over 950 persons of Eritrean origin were repatriated from Ethiopia with the assistance of ICRC. I commend both parties for the cooperation and commitment shown to the Agreement in this respect, and call upon them to allow the release of all remaining prisoners of war and other detainees.

29. Currently, key humanitarian priorities include access to vulnerable populations following the establishment of the Temporary Security Zone, as well as the safe and coordinated resettlement of populations who were displaced from Temporary Security Zone areas as a result of the conflict. However, this can be achieved only if the threat of mines and unexploded ordnance is addressed through a combination of demining and awareness programmes (see para. 26 above). In order effectively to meet these and other challenges, the United Nations country teams in both countries will continue to work closely with the relevant authorities and with UNMEE.

30. Joint government-United Nations needs assessments have already been undertaken in both Ethiopia and Eritrea and will culminate in the launching of government and United Nations country team appeals at the end of January 2001. Target populations for continued humanitarian assistance in 2001 include internally displaced persons who remain

in camps, rural groups and urban populations made vulnerable by the effects of war and drought.

## VI. Financial aspects

31. The Mission is at present operating on a commitment authority of \$150 million recommended by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and subsequently approved by the General Assembly in its resolution 55/237 of 23 December 2000. The current funding allocation is expected to meet UNMEE start-up costs and ongoing operational requirements. The proposed budget for the establishment and operation of the Mission for the period 31 July 2000 to 30 June 2001 amounts to \$190,699,200 gross and the net requirements amount to \$188,202,600. Both ACABQ and the Fifth Committee intend to review further the resource requirements, including the staffing structure of UNMEE, during the resumed fifty-fifth session of the General Assembly in February/March 2001.

## VII. Observations

32. The signing at Algiers of the 12 December Peace Agreement constituted a major achievement, which underlines the commitment of both countries to the consolidation of the peace process. I am encouraged by the fact that the parties have already taken steps towards the implementation of some of their commitments under the Agreement and I call upon them to comply with it fully and without undue delay. I should like to reiterate that, in this effort, the United Nations stands ready to work closely with the Eritrean and Ethiopian authorities, the OAU and others concerned. I am confident that Member States will be prepared to provide the two parties and the United Nations with all necessary assistance to this end.

33. The 12 December Agreement requests the parties to respect and implement fully the provisions of the Agreement on Cessation of Hostilities of 18 June 2000. I am pleased by the rapid deployment of UNMEE. It is expected that this process will be completed in the coming weeks and that it will create conditions conducive to a durable peace. However, the delay in the establishment of the Temporary Security Zone, due to disagreements between the parties over the redeployment plans during the second meeting of the

Military Coordination Committee, is a source of concern. In this connection, it should be emphasized that the redeployment is an operational requirement meant to avert the risk of incidents between the troops facing each other on the ground. The redeployment will in no way prejudice the final status of the contested areas. My Special Representative has been asked to work with the parties to ensure that these disagreements are resolved as soon as possible.

34. A few matters pertaining to UNMEE's deployment also remain to be resolved. In this regard, it would be essential that the Governments of Eritrea and Ethiopia agree to sign the status-of-forces agreements without any further delay.

35. Mines and unexploded ordnance remain the pre-eminent threat to the UNMEE troops and the population in and around the future Temporary Security Zone. It is hoped that the international community will generously support non-governmental organizations with the resources, skills and expertise in demining so that, in coordination with UNMEE and the United Nations country teams, they can assist both Governments with this major undertaking. Accordingly, I urge the international community to increase its support for demining activities and mine-awareness programmes in Eritrea and Ethiopia.

36. The work of the Boundary Commission entrusted by the 12 December Agreement with the delimitation and demarcation of the border, is particularly relevant to the mandate of UNMEE. I trust that the parties will work constructively towards establishing the Commission within the timeframe set in the Agreement and that they will facilitate its work and respect its decisions.

37. The success of the Boundary Commission, however, will require that its work be put on a solid financial footing. Under the Agreement, the parties agreed to bear equally the expenses of the Commission. It is expected therefore that they will provide the required financing for the Commission as soon as possible. The Agreement also states that the Commission may accept donations from the United Nations Trust Fund established under paragraph 8 of Security Council resolution 1177 (1998) of 26 June 1998. As at 10 January, voluntary contributions to this Trust Fund total \$1.7 million, and I wish to express appreciation to those Member States that have contributed to it. However, although a budget for the

work of the Commission will be prepared by the Commission itself, the resources currently available in the Trust Fund are clearly inadequate to meet the expenses of the Commission. I therefore appeal to Member States to make generous contributions to the voluntary Trust Fund.

38. Subject to the availability of the resources, the United Nations will be ready to assist in the work of the Boundary Commission. Under the 12 December Agreement, the United Nations Cartographer is to serve as Secretary of the Commission. In addition, the Commission may require on-site logistical support from UNMEE. To facilitate the early start-up of the Commission, it is advisable that the costs related to the work of the Secretary of the Commission, as well as any support that the Commission may require in the field, be included in UNMEE's budget. Depending on the future requirements of the Commission, I may revert to the Security Council and other competent United Nations bodies concerning the financing of this important organ.

39. While attending the signing ceremony of the 12 December Agreement at Algiers, I took note of President Afwerki's statement to the effect that Eritrea and Ethiopia were not condemned but rather blessed to live as neighbours. At the same ceremony, Prime Minister Zenawi stated that the Agreement had paved the way for the two countries to "wage the real war against poverty". Regrettably, since then, a war of words has continued in the media, and to some extent in official statements on both sides. At Algiers, I told both leaders that it is not enough to silence the guns, but that their countries must embrace peace, build trust and work for genuine reconciliation. The international community expects both countries to continue to work resolutely towards these goals.

40. Finally, I wish to express my appreciation to my Special Representative and to all the military and civilian personnel of UNMEE for their devoted efforts towards the quest for peace between Eritrea and Ethiopia.

## Annex

**United Nations Mission in Ethiopia and Eritrea: contributions  
as at 10 January 2001<sup>a</sup>**

|                              | <i>UNMO</i> | <i>Troops</i>      | <i>HQ</i> | <i>Total</i>       |
|------------------------------|-------------|--------------------|-----------|--------------------|
| Algeria                      | 8           |                    |           | 8                  |
| Argentina                    |             |                    | 1         | 1                  |
| Austria                      | 3           |                    | 5         | 8                  |
| Bangladesh                   | 6           |                    | 4         | 10                 |
| Benin                        |             |                    | 2         | 2                  |
| Canada                       | 6           | 536 <sup>b</sup>   | 8         | 550 <sup>b</sup>   |
| China                        | 5           |                    |           | 5                  |
| Denmark                      |             | 324 <sup>b</sup>   | 7         | 331 <sup>b</sup>   |
| Finland                      | 7           |                    | 2         | 9                  |
| France                       |             |                    | 2         | 2                  |
| Ghana                        | 9           |                    | 7         | 16                 |
| India                        | 5           |                    | 2         | 7                  |
| Italy                        | 5           | 113                | 6         | 124                |
| Jordan                       | 5           | 939 <sup>b</sup>   | 12        | 956 <sup>b</sup>   |
| Kenya                        | 9           |                    | 12        | 21                 |
| Malaysia                     | 6           |                    | 5         | 11                 |
| Nepal                        | 4           |                    |           | 4                  |
| Netherlands                  | 1           | 1 104 <sup>b</sup> | 9         | 1 114 <sup>b</sup> |
| Nigeria                      | 3           |                    |           | 3                  |
| Norway                       | 4           |                    | 4         | 8                  |
| Peru                         | 2           |                    |           | 2                  |
| Poland                       | 5           |                    | 6         | 11                 |
| Romania                      | 8           |                    |           | 8                  |
| Russian Federation           | 2           |                    |           | 2                  |
| Slovakia                     |             | 153                | 4         | 157                |
| South Africa                 | 1           |                    | 2         | 3                  |
| Spain                        | 3           |                    | 1         | 4                  |
| Sweden                       | 8           |                    | 5         | 13                 |
| Switzerland                  | 3           |                    |           | 3                  |
| Tanzania, United Republic of | 8           |                    | 3         | 11                 |
| Tunisia                      | 1           |                    |           | 1                  |
| Ukraine                      | 5           |                    |           | 5                  |
| Uruguay                      | 5           |                    |           | 5                  |

|                          | <i>UNMO</i> | <i>Troops</i>            | <i>HQ</i>  | <i>Total</i>             |
|--------------------------|-------------|--------------------------|------------|--------------------------|
| United States of America | 6           |                          | 1          | 7                        |
| Zambia                   | 10          |                          |            | 10                       |
| <b>Total</b>             | <b>153</b>  | <b>3 169<sup>b</sup></b> | <b>110</b> | <b>3 432<sup>b</sup></b> |

<sup>a</sup> The following additional countries have committed themselves to send United Nations Military Observers and/or troops: Australia, Bosnia and Herzegovina, Bulgaria, Czech Republic, the Gambia, Greece, Namibia, New Zealand, Paraguay, Singapore.

<sup>b</sup> Includes National Support Element (NSE).

**Security Council**

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16 January 2001  
English  
Original: Arabic

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**Letter dated 11 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General**

On instructions from my Government, I refer to the letter dated 19 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to you (S/2000/1110), containing allegations made by Iraq to the effect that on 25 October 2000, Kuwaiti forces committed acts of piracy and aggression, using the Kuwaiti craft *Faylakah* to seize an unnamed Iraqi vessel. I should like to inform you that the relevant authorities in Kuwait categorically deny these fabricated charges and stress that the allegations lack all credibility and are completely unfounded, being a misrepresentation of the facts employed by the Iraqi Government in order to create instability and tension in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mansour Ayyad **Al-Otaibi**  
Chargé d'affaires a.i.



**Security Council**

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16 January 2001

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**Letter dated 11 January 2001 from the Secretary-General  
to the President of the Security Council**

I have the honour to refer to article 13 bis, paragraph 2, of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads as follows:

"In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of Article 13 of the Statute, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Mohamed Bennouna, a national of Morocco, has resigned as a Judge of the International Tribunal, effective 28 February 2001.

The Government of Morocco has presented the candidacy of Mr. Mohamed El Habib Fassi Fihri, a national of Morocco, to replace Judge Bennouna. Please find attached his curriculum vitae.

It is my view that Mr. Fassi Fihri meets the qualifications that are prescribed in article 13 of the Statute of the International Tribunal. I also consider that the appointment of Mr. Fassi Fihri would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13 bis, paragraph 1 (c), of the Statute of the International Tribunal.

I should, therefore, like to proceed to consultation with you on the appointment of Mr. Fassi Fihri, in accordance with article 13 bis, paragraph 2, of the Statute of the International Tribunal. I look forward to receiving your views on the matter.

*(Signed)* Kofi A. Annan



**Mohamed El Habib Fassi Fihri (Morocco)**

[Original: French]

Mr. Mohamed El Habib Fassi Fihri, a Senior Judge, was born in Essaouira on 12 January 1932.

In January 1957, he was appointed a judge at the Casablanca regional court where he was subsequently appointed Vice-President in August 1960. He was appointed Crown Procurator in 1962.

In September 1964, he was appointed Chief of Staff of the Minister of Justice, then Permanent Secretary of the Ministry.

He was Advocate General at the Supreme Court from late 1971 until 25 September 1976, when he was reappointed Permanent Secretary of the Ministry of Justice, a position he held until 31 March 1982.

In December 1982, he was appointed Ambassador Extraordinary and Plenipotentiary of His Majesty, the King of Morocco, to the Hellenic Republic. At the end of his diplomatic tour of duty, he returned to the Supreme Court in April 1986 as Divisional President.

In June 1990, Mr. Fassi Fihri was appointed Ambassador Extraordinary and Plenipotentiary of His Majesty, the King, to the Republic of Austria and Permanent Representative of the Kingdom of Morocco to the United Nations Office at Vienna, the United Nations Industrial Development Organization (UNIDO) and the International Atomic Energy Agency (IAEA), of which he was a Governor. He was also responsible for monitoring the work of the Organization for Security and Cooperation in Europe (OSCE).

In July 1995, he chaired the work of the Eminent Persons Group established by the Seventh Islamic Summit Conference to take stock of the achievements of the Organization of the Islamic Conference and identify restructuring measures and new objectives.

A founding member of the Association of Moroccan Judges, he was editor of the Association's review from 1961 to 1985.

He is the author of several publications, including a work entitled *Itinéraire de la justice marocaine*.

He was awarded the Order of Civil Merit, then dubbed Chevalier and subsequently Officer of the Order of the Throne.

He was awarded the Grand Cordon of the Order of the Phoenix by Greece and the Grand Cordon of the Order of Merit by the Republic of Austria.



## Security Council

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### Letter dated 16 January 2001 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 11 January 2001 (S/2001/47) concerning the composition of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 has been brought to the attention of the members of the Security Council. Having consulted those members, I support your intention to appoint Mr. Mohamed El Habib Fassi Fihri as a judge of the Chambers of the International Tribunal.

(Signed) Kishore **Mahbubani**  
President of the Security Council



**Security Council**

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**Letter dated 16 January 2001 from the Secretary-General  
addressed to the President of the Security Council**

I have the honour to transmit to you herewith the interim report of the Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, submitted to me by the Chairperson of the Panel, in pursuance of the statement by the President of the Security Council S/PRST/2000/20, dated 2 June 2000 (see annex).

I should be grateful if you would bring the present letter and the attached report to the attention of the members of the Security Council.

*(Signed)* Kofi A. Annan



## **Annex**

# **Interim report of the United Nations Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo**

## **I. Introduction**

1. By its presidential statement dated 2 June 2000 (S/PRST/2000/20), the Security Council requested the Secretary-General to establish an expert panel on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo for a period of six months, with the following mandate:

“To follow up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country;

“To research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict;

“To revert to the Council with recommendations.”

2. The Secretary-General, in his letter to the President of the Security Council dated 31 July 2000 (S/2000/796), notified the President that the composition of the Panel would be as follows:

Mme. Safiatou Ba-N'Daw (Côte d'Ivoire) (Chairperson)

Mr. François Ekoko (Cameroon)

Mr. Mel Holt (United States of America)

Mr. Henri Maire (Switzerland)

Mr. Moustapha Tall (Senegal)

3. The Panel is assisted in the field by a technical adviser, a political officer, an administrator and a secretary.

4. The Panel was established in Nairobi on 18 September 2000 following a series of briefings and consultations at United Nations Headquarters, from 13 to 15 September, with members of the Security Council, representatives of other interested Member States and Secretariat officials. Some members of the Panel visited Brussels en route to Nairobi for consultations.

## **II. Key considerations**

### **A. The Panel's interpretation of its mandate**

5. The Panel devoted considerable discussion to the question of how to interpret and carry out its mandate. The assumption behind the mandate is that the parties to the conflict are motivated by desire to control and profit from the natural resources

of the Democratic Republic of the Congo, and that they finance their armies and their military operations by exploiting those resources.

6. The Panel has decided to proceed on the assumption that, if this is indeed the case, it would be possible to identify the resources exploited, the laws that have been violated, the parties involved in the exploitation, the companies and individuals involved in the trade, the amount of the revenues appropriated, the cost of maintaining armies in the Democratic Republic of the Congo and of the military operations conducted there and the extent to which those costs were met through the illegal exploitation of the natural resources of the Democratic Republic of the Congo.

7. The Panel further assumes that, in respect to each of these questions, evidence may exist in documentary or other reliable form, including statements by reliable witnesses that can be obtained and produced in support of any allegation made.

## **B. Modus operandi of the Panel**

8. The Panel adopted the following modus operandi. The Chairperson, accompanied by some or all members, first met with Government officials from the States parties to the conflict and their counterparts in the rebel movements to explain the mandate of the Panel and to seek the cooperation of the Governments and movements concerned. At the same time, panel members and staff pursued allegations made by Governments or other sources concerning the activities described above, both with the cooperation of those Governments and using their own resources. The Panel also contacted, where possible, companies and individuals identified to it as participating in such activities and requested information concerning the allegations.

9. The Panel received varying levels of cooperation from its interlocutors, ranging from apparent openness to near hostility. In many cases, Government officials were not made available to meet with the Panel at its request. Even where Governments appeared to be more cooperative, the Panel was sometimes obliged to meet all Ministers together rather than separately, as it would have preferred. Even in cases where the Panel encountered a high degree of cooperation, its requests to meet with some individuals were not accommodated.

10. In some cases, information promised by the Panel's interlocutors, including Government Ministers, has not yet been provided. In the case of the two rival wings of the Congolese Rally for Democracy (RCD), the Panel is concerned that the cooperation promised during its initial visits might not be forthcoming in view of the leadership changes in both wings since that time.

11. In considering the full implications of its mandate, the Panel devoted particular attention to the questions of what constituted "illegal" exploitation; what "other forms of wealth" apart from natural resources might be subject to exploitation; and what forms of illegal exploitation might not be conducted "in violation of the sovereignty" of the Democratic Republic of the Congo.

### **C. Particular difficulties encountered**

12. One of the most serious problems facing the Panel is the paucity of detailed and reliable information, including statistics, as to the nature, extent, location, yield and value of the natural resources of the Democratic Republic of the Congo. Decades of Government neglect, mismanagement and corruption, including widespread evasion of taxes and customs duties, not to mention the effects of conflict since 1996, make it almost impossible to establish a precise and impartial factual picture of the country's natural resource base and exploitation patterns. Though rumour and anecdote abound, documentary evidence is almost non-existent. Mines and other sources of natural wealth are remote and heavily guarded, often located in areas subject to outbreaks of fighting or armed attacks against the local population. Roads are few and ill-maintained and communications poor. The Panel has found in its own investigations that activity around the mines is cloaked by an atmosphere of lawlessness, violence and fear.

13. In exceptional cases, visits the Panel had planned to make were cancelled or postponed because of unrest or strikes or because the interlocutors changed their minds.

## **III. Activities of the Panel**

### **A. Kenya**

14. The Panel initiated contacts with officials of the Government of Kenya, the diplomatic community, the Office of the Special Representative of the Secretary-General of the United Nations for the Great Lakes Region, United Nations agencies, non-governmental organizations (NGOs), members of civil society and private individuals.

15. At a meeting with the Minister for Foreign Affairs, the Panel acquainted him with its nature and purpose and received the Minister's pledge of assistance and cooperation. Panel members also met the Managing Director of the Kenya Ports Authority and senior customs officials.

16. The Panel met with the Ambassadors of Belgium, the Russian Federation and France and with officials of the Embassy of the Democratic Republic of the Congo, who welcomed the Panel and expressed willingness to be of assistance to it. Some interlocutors noted that some developed countries had amassed a broad base of geological information about the Democratic Republic of the Congo over the course of many years of studies that might be of interest to the Panel.

### **B. Democratic Republic of the Congo**

#### **Meetings with government officials**

17. The Panel was received by Onfre Ntuaremba, General Commissioner of the Government for relations with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Mr. Ntuaremba provided the Panel with information regarding what he described as the pillage of the Democratic

Republic of the Congo in five domains: human, social, agricultural, mining and the environment.

18. The Minister of Human Rights provided the Panel with reports detailing violations of human rights in the occupied zones. He emphasized the human aspect of exploitation.

19. The Panel met with officials from the Ministry of Mines, who briefed the Panel as to which mineral resources they felt were the most significant and the locations of these minerals throughout the Democratic Republic of the Congo. They also provided an overview of the country's legislation governing the exploitation of mineral resources and cited examples of investment opportunities that had been lost due to the conflict. They noted that occupying forces were plundering gold, diamonds and colombo-tantalite (coltan) in the eastern part of the Democratic Republic of the Congo. According to the officials, the fighting in Kisangani between Rwandan and Ugandan forces was evidence of their struggle for the control of mineral resources in that area.

20. The Minister of Land Management, Environment and Tourism informed the Panel that income from forest exploitation was declining as a result of the war. Many logging companies had ceased operations and saw mills had closed, especially in areas controlled by the Government because timber comes primarily from areas controlled by rebel movements. The Minister deplored the loss of income from tourism and the massacre of protected species such as gorillas, elephants, and okapis.

21. The Minister of Agriculture and Livestock provided an assessment of the impact of the conflict on the agricultural sector. He described the pillage that took place immediately after the beginning of the 1998 war, mainly the theft of livestock and the disappearance of stocks of coffee and other agricultural products. The Minister stated that, due to the war, most agricultural outreach programmes were stopped, as was the supply of agricultural products from the eastern to the western part of the country. According to the Minister, this had led to an increase in the price of food products in the main cities and the decline in food production and commercial crops in the Democratic Republic of the Congo. Explaining the change in the flow of agricultural products between the east and west of the Democratic Republic of the Congo before 1998, the Minister reported that malnutrition, food shortages and hunger had been reported in places where there was once an abundance of food.

22. The Minister of Energy revealed another dimension regarding the exploitation of other resources. He provided a chart of electrical plants that had fallen into the hands of the rebel groups. He drew the Panel's attention to the use of hydropower by Rwanda without any financial compensation. He also informed the Panel that there was an agreement between his Government and the Government of Zimbabwe on the use of hydropower supplied by the Democratic Republic of the Congo.

23. In general, the Panel's interlocutors in the Government promised to send more information and made clear the Government's belief that Rwanda and Uganda could not finance their involvement in the Democratic Republic of the Congo without the active exploitation of the country's natural resources.

### Meetings with rebel movements

24. On 19 October 2000, the Panel travelled from Kinshasa to Gbadolite in an effort to meet Jean-Pierre Bemba, President of the Movement for the Liberation of the Congo (MLC). Mr. Bemba was said to have left for Bumba the very day of the Panel's arrival although he was informed of, and had authorized, its visit.

25. The Panel moved the following day to Goma, where they met with Mr. Ondekane, who was then the First Vice President, and senior representatives of RCD (Goma), including their current president, Adolphe Onsumba. They told the Panel that they had been falsely accused and were not engaged in selling off the natural resources of the Democratic Republic of the Congo. They further noted that any extraction of natural resources that was taking place was purely artisanal, as the financial means to conduct industrial exploitation were simply not available. The RCD (Goma) leadership recognized that exploitation was taking place, but explained that it was within the framework of normal trade relations. While agreeing to provide the Panel with much of the information it requested, RCD (Goma) reserved the right to abstain from providing any information that could compromise strategic matters, given the current state of war.

26. On 21 October, members of the Panel travelled from Goma to Bunia, where they met with Ernest Wamba dia Wamba, the leader of RCD (Kisangani). According to Mr. Wamba dia Wamba, history was simply repeating itself. First, the Government of the Democratic Republic of the Congo was not working for the people; second, resources throughout the Democratic Republic of the Congo were being used for purposes other than development; and third, there had always been illegal activity in the Democratic Republic of the Congo, including exploitation of natural resources by nationals and foreigners. He noted that, with the collapse of the State, it was difficult to distinguish between official and unofficial networks of exploitation and that, without a State apparatus in place, illegal activity would continue.

27. In Bunia and Goma, the Panel met with representatives of NGOs and other members of civil society, who were eager to talk about their personal experiences. Some had had goods and property confiscated by soldiers and rebels. Others noted the forced payment of taxes to support the war effort.

28. These representatives, however, showed reluctance to provide the Panel with greater detail due to the risk it would pose to them from local authorities and soldiers. The Panel was also aware of reports of harassment of human rights workers subsequent to their participation in meetings with representatives of other international organizations.

29. The conflict has affected different industries in the Democratic Republic of the Congo in different ways. The industrial production of gold at the Kilo-Moto mines in Orientale Province has ceased and been replaced by artisanal methods as the mines have deteriorated. The lack of maintenance has led to flooding and worsening safety conditions.

### C. Uganda

30. President Museveni of Uganda, at his meeting with the Panel, provided a detailed historical perspective of the current problems in the Great Lakes region,

stating that Uganda's presence in the Democratic Republic of the Congo was due to instability and lack of effective administration in the country. Thus far, he stated, certain parties were using this situation to their advantage in order to launch attacks against Uganda. The President questioned the assumption that Uganda would exploit the mineral wealth of the Democratic Republic of the Congo when it was failing to exploit its own mineral wealth. He explained that he had issued specific instructions forbidding soldiers to involve themselves in the exploitation of natural resources. He concluded that if any soldiers of the Ugandan People's Defence Force (UPDF) were found to be engaged in exploitation or commercial activity, they would be punished.

31. On 7 November 2000, the Panel held a day-long meeting with government representatives led by the First Deputy Prime Minister and Minister for Foreign Affairs, Eriya Kategaya. In attendance were the First Deputy Prime Minister and Minister for Foreign Affairs, the Ministers of Finance, Agriculture and Environment, and a number of senior officials of different ministries (Ministry of Energy and Mineral Development; Ministry of Defence; Ministry of Works, Transport and Communications) and the Civil Aviation Authority.

32. The government representatives stated that Uganda had never been involved in, or benefited materially from, the exploitation of the natural resources of the Democratic Republic of the Congo. They explained that any illegal exploitation taking place within the Democratic Republic of the Congo was a result of ineffective administration. According to them, UPDF had entered the Democratic Republic of the Congo only because of the instability in the region, in particular along Uganda's western border. They noted that Uganda's presence in the Democratic Republic of the Congo was very costly, in terms of lives lost, maintenance of troops, transportation, fuel, logistics and so forth, and that Uganda was losing far more than it could be gaining by exploiting the natural resources of the Democratic Republic of the Congo.

33. During this session, the Minister of Finance informed the Panel that Uganda's military spending was staying within 2 per cent of its gross domestic product (GDP) in accordance with agreements concluded with bilateral and multilateral donors. Funds intended for the construction of new barracks and higher military salaries had instead been spent on the maintenance of UPDF outside Uganda. The Minister further explained that Uganda had managed to stay within the 2 per cent limit by means of an increase in its GDP and the transfer of fiscal resources from one fiscal year to another.

34. The Panel also met with a number of Ministers and others individually. At one such meeting, the Minister of Defence and senior UPDF officers reiterated their strict adherence to keeping military spending within 2 per cent of GDP. They restated that the UPDF was not engaged in exploitation and that numerous directives to that effect have been issued. UPDF was not involved in administration and remained subordinate to local civil administrators of the Democratic Republic of the Congo. The duties of UPDF were strictly confined to military and security matters.

35. The Panel also met with the Parliamentary Committee on Presidential and Foreign Affairs. The Committee emphasized that Uganda had no desire to have its soldiers in the Democratic Republic of the Congo, but that their presence there was necessitated by security considerations. Noting that they were not aware of any effort on the part of the Ugandan Government to exploit the natural resources of the Democratic Republic of the Congo, the members of the Committee urged the Panel

to understand the historical context of the situation. They acknowledged the recent arrival of a large number of Congolese women who have "married" Ugandan soldiers serving in the Democratic Republic of the Congo. They emphasized that soldiers paid dowries and that this could not be considered as exploitation of natural resources.

36. Some Panel members met with different Ministers individually. In meeting with the Minister of Agriculture, the Panel was told that, because of disease and drought, the coffee sector had suffered a great deal during the past 10 years. The Minister said he was not aware of the import of coffee from the Democratic Republic of the Congo to Uganda and that the import and export of coffee were liberalized to such an extent that the Government had no control over those activities.

37. During the meeting at the Ministry of Environment, Land and Water, the Minister said that Uganda was not importing timber from the Democratic Republic of the Congo. He pointed out that some species of trees found in the eastern part of the Democratic Republic of the Congo were also found in Ugandan forests, in particular mahogany. Though it was possible that timber was taken via Uganda from the Democratic Republic of the Congo to Kenya, the transit of timber was not within the jurisdiction of the Ministry of Environment and had no relation to timber imports in Uganda.

#### **D. Rwanda**

38. President Kagame received the Panel on 15 November 2000. In his remarks to the Panel, President Kagame declared that Rwanda's presence in the Democratic Republic of the Congo was necessitated by national security. Rwanda had to defend itself against the attacks from the Interahamwe, the forces of the former Forces armées rwandaises (ex-FAR) and other forces allied to President Kabila. Though he denied the involvement of the Rwandan army in the Democratic Republic of the Congo for the exploitation of natural resources, he indicated that cases of soldiers involved in exploitation of natural resources had been brought to his attention and that consequently, the soldiers had been punished.

39. On 14 November, the Panel was received by a committee of Ministers of the Government of Rwanda. The gathering was hosted by the Minister for Foreign Affairs and attended by the Ministers of Finance and Economic Planning; Agriculture, Forests, and Livestock; Works, Transport, and Communication; Energy, Mines, and Water; Land, Resettlements, and Environment; and the Governor of the National Bank of Rwanda.

40. Two themes emerged during the meeting. First, although the international donor community had accused Rwanda of spending too much money on its war effort in the Democratic Republic of the Congo, defence spending accounted for only 29 per cent of current expenditure, or 3.4 per cent of GDP. It was felt that this is a modest amount for a country at war. It was also noted that Rwanda had been following an IMF programme for the past four years and that, therefore, their economy was closely monitored from the outside. Second, repeated emphasis was placed on the importance of understanding that Rwanda was present in the Democratic Republic of the Congo for security reasons. The Panel was encouraged to understand the difficult reality of Rwandan soldiers in the field, who were at war

and were required to move often. This made it unlikely that they could engage in exploitation activities.

41. The Panel was received by General James Kabarebe, Chef d'État Major. General Kabarebe affirmed that the Rwandan army maintained good relations with local populations and administrations. He noted that Rwandan forces in the Democratic Republic of the Congo were subordinate to local administrations and that they had tried to build civil institutions (police, army) in cooperation with the citizens of the Democratic Republic of the Congo. Rwandan soldiers buy food supplies from local populations and Rwandan military dispensaries also help care for local populations in the Democratic Republic of the Congo. Any Rwandan soldier engaging in unauthorized activity would be punished. Regarding the repeated conflicts between the Rwandan and Ugandan militaries in Kisangani, General Kabarebe insisted that, contrary to popular belief, these had nothing to do with control of natural resources. Rather, they were the eruptions of long-running tensions between the two forces as to who were the superior soldiers.

#### **E. Burundi**

42. On meeting the Panel on 17 November 2000, President Buyoya emphasized that Burundi was not present as a belligerent in the Democratic Republic of the Congo and had no territorial intentions there, and that its soldiers were not engaged in the exploitation of natural resources. For years, Burundi had maintained good commercial relations with the Democratic Republic of the Congo. Burundi's primary concern was its security. The Government of the Democratic Republic of the Congo could not ensure Burundi's security and, in fact, was supporting rebel groups involved in Burundi's civil war, according to the President. At a subsequent meeting, the Minister of International Relations and Cooperation made the same points.

#### **F. Zimbabwe**

43. During a meeting with a senior representative of the Ministry of Foreign Affairs, the representative stated his position that the Panel should not investigate Zimbabwe and its allies in the Democratic Republic of the Congo because they were not the exploiters, but rather, the liberators. The aggressors (Uganda, Rwanda, Burundi) were the plunderers. The Panel's investigations should therefore concentrate on those aggressors and not on the allies of the Government of the Democratic Republic of the Congo. In essence, the official explained that allies could not plunder the resources of the Democratic Republic of the Congo because they were working in cooperation with its Government.

#### **G. Activities in other countries (Cameroon, South Africa and the United Republic of Tanzania)**

44. One member of the Panel met with officials in the Port Authority and Customs Departments in Cameroon and the United Republic of Tanzania. While some documentation containing data were provided, officials promised to send additional information or to organize meetings with those members at a later date.

45. Another Panel member travelled to Pretoria to participate in a seminar on the transport of illicit goods by air. The seminar was attended by representatives of the United Kingdom, South Africa, Germany and the United Nations.

## **H. Current activities**

46. Since 4 December 2000, the Panel has been conducting a series of meetings with government officials, the diplomatic community, NGOs, members of civil society and private individuals in Brussels, London and Paris.

## **I. Future activities**

47. Early in 2001, the Panel will conduct preliminary visits to Angola and Namibia. It will also be necessary to undertake follow-up visits to the Democratic Republic of the Congo, Burundi, Cameroon, Rwanda, South Africa, Uganda and the United Republic of Tanzania.

48. Furthermore, there are many places the Panel has not yet visited where it is believed that highly valuable information is available, including several countries in Central Africa, North America, the Middle East, South Asia and Western and Eastern Europe.

49. Travel to additional countries may be necessary according to indications from the Panel's ongoing research.

## **IV. Next steps**

50. During the remaining period of its mandate, the Panel will continue to consider the implications of its inquiries so far, in consultation with all parties to the conflict, as it unearths more information about the situation. It will also devote further study to the laws of the Democratic Republic of the Congo governing the exploitation of natural resources, including agricultural products, flora and fauna.

51. To that end, the Panel will complete its first round of visits to the concerned parties. It will also follow up information it has received or expects to receive from them and from other sources on the nature and extent of the exploitation, the companies and individuals involved, the extent and value of the trade and the use to which the revenues are put. In particular, as required by its mandate, the Panel will continue to examine the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict.

52. However, on the basis of its experience in the first three months of operations, the Panel has reached the conclusion that it cannot assemble a sufficiently detailed, precise and coherent picture of the situation in the three months that remain. The complexity of the situation, the vast territories involved, the multiplicity of the actors involved, the difficulties of travel and communications, the lack of cooperation on the part of some Governments and other sources of information and the security risks arising from the conflict pose formidable problems. Moreover, not only is the Panel actively following up leads suggested to it by its various

interlocutors, it is also still awaiting much of the information that has already been promised to it by the officials of various Governments and other sources.

53. For all the above reasons, and in order to obtain as much information as possible and to conduct a thorough analysis, the Panel would invite the Security Council to consider granting an extension of its mandate for three months, until mid-June 2001.

54. The Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo wishes to express its deep appreciation to the government officials, diplomats, NGOs, individual relief workers, journalists and others who assisted it in its inquiries. The list below is incomplete in deference to the wishes of those who requested anonymity.

55. The Panel received excellent logistical support by MONUC, both in Kinshasa and outside the capital. MONUC also assisted the Panel in its contact and meetings with officials of the Government of the Democratic Republic of the Congo and authorities in the occupied zones. The Panel also received invaluable assistance from the United Nations Development Programme.

## Annex

### List of countries visited and representatives of Governments and organizations interviewed

#### In Kenya:

**Government officials:** Minister for Foreign Affairs; Kenya Ports Authority; Kenya Customs and Excise Departments

**Representatives of States:** Belgium; Democratic Republic of the Congo; France; Russian Federation; United Kingdom of Great Britain and Northern Ireland; United Kingdom Special Representative for the Great Lakes region; Zimbabwe

**United Nations agencies and offices:** MONUC; Office of the Special Representative of the Secretary-General of the United Nations for the Great Lakes region; UNDP; United Nations Environment Programme (UNEP); United Nations Office at Nairobi

#### In the Democratic Republic of the Congo:

**Government officials:** General Commissioner of the Government for relations with MONUC; National Bank of the Congo; Central Bank; Department of Forests; Institut Congolais pour la Conservation de la Nature (ICCN); Minister of Land Management, Environment and Tourism; Minister of Agriculture and Livestock; Minister of Human Rights; Minister of Economy, Commerce and Industry; Minister of Energy; Minister of Finance and Budget; Ministry of Mines; Minister of State for Petroleum; Minister of Transportation and Communications; Ministry of Lands; l'Office national des douanes et accises

Observatoire Gouvernance-Transparence (OGT)

**Representatives of States:** Belgium; China; Diplomatic Corps of Kinshasa; France; Italy; United States of America

**United Nations agencies and offices:** MONUC; Office of the Special Representative of the Secretary-General; the Food and Agriculture Organization of the United Nations (FAO); Office for the Coordination of Humanitarian Affairs; UNDP; Office of the United Nations High Commissioner for Refugees; Office of the United Nations High Commissioner for Human Rights; United Nations Children's Fund; World Food Programme; World Health Organization

**Rebel movements:** Mouvement pour la Libération du Congo (MLC); Rally for Congolese Democracy (Goma); Rally for Congolese Democracy-Liberation Movement RCD-ML/Kisangani

#### In Uganda:

**Government officials:** President of the Republic; Vice President of the Republic; First Deputy Prime Minister and Minister of Foreign Affairs; Minister of Defense; Minister of Energy and Mineral Development; Minister of State for Environment

and Civil Aviation Authority; Internal Revenue Authority; Minister of Agriculture, Animal and Fisheries; Ministry of Works, Transport and Communications; Parliamentary Committee on Presidential and Foreign Affairs

**Representatives of States:** Belgium; Denmark; European Union Special Envoy to the Great Lakes region; France; Italy; Russian Federation; United Kingdom of Great Britain and Northern Ireland

**United Nations agencies:** UNDP; heads of United Nations agencies in Kampala

#### **Local media**

##### **In Rwanda:**

**Government officials:** President of the Republic of Rwanda; Minister for Foreign Affairs; Chef d'état Major; Minister of Energy, Water and Natural Resources; Minister of Finance and Economic Planning; Minister of Agriculture, Forests, and Livestock; Minister of Works, Transport, and Communication; Minister of Energy, Mines, and Water; Minister of Land, Resettlements, and Environment; National Bank of Rwanda; Secretary-General of Commerce, Industry and Tourism

**Representatives of States:** Belgium; Canada; China; Office of the European Union delegation; France; Germany; the Netherlands; Russian Federation; Switzerland; United Kingdom of Great Britain and Northern Ireland; United States of America

**United Nations agencies and offices:** MONUC; FAO; heads of United Nations agencies represented in Rwanda; ICTR; Office for the Coordination of Humanitarian Affairs; UNDP; Economic Commission for Africa

##### **In Burundi:**

**Government officials:** Minister of International Relations and Cooperation; Ministry of Finance; Minister of Agriculture and Livestock; Minister of National and Regional Development and Environment; Minister of Transportation, Post and Telecommunications

**Representatives of States:** Belgium; Democratic Republic of the Congo; France; United States of America

**United Nations agencies and offices, and international organizations:** Office of the Special Representative of the Secretary-General in Burundi; MONUC; UNDP; World Bank

##### **In Zimbabwe:**

**Government officials:** Minister of Energy and Mines; Senior Secretary for Foreign Affairs; Chief Executive Officer, Civil Aviation Authority

**Representatives of States:** Belgium; China; France; Russian Federation; United Kingdom of Great Britain and Northern Ireland; United States of America

**United Nations agencies and international organizations:** Heads of all United Nations agencies represented in Zimbabwe; UNDP

NGOs and media



## General Assembly

Distr.: General  
16 January 2001

Original: English

**General Assembly**  
**Tenth emergency special session**  
Agenda item 5

**Security Council**  
**Fifty-sixth year**

**Illegal Israeli actions in Occupied East Jerusalem  
and the rest of the Occupied Palestinian Territory**

### **Identical letters dated 16 January 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council**

It is my profound regret to inform you that the Israeli occupying forces continue their excessive and indiscriminate use of force against Palestinian civilians in the Occupied Palestinian Territory, including Jerusalem. The ongoing bloody military campaign against the Palestinian people by Israel, the occupying Power, has resulted in more brutal killings, torture and wounding of Palestinian civilians in recent days. Moreover, illegal Israeli settlers have continued to commit acts of violence and destruction against the Palestinian people, increasing their suffering and misery under occupation.

Yesterday, 15 January, a mob of armed Israeli settlers in the Gaza Strip descended upon a Palestinian area known as Al-Mawasi in a rampage of vast destruction. The settlers assaulted Palestinians and burned several Palestinian homes, greenhouses, farms, fruit orchards and cars. The settlers also used their automatic weapons to fire shots in the area and smash the windows of homes and cars. At the same time, the Israeli army once again closed the Gaza Strip, closed Gaza International Airport, and placed several concrete roadblocks and tanks along the main roads in the Gaza Strip, completely obstructing Palestinian movement within and in and out of the area.

The violence and destruction have, of course, not been limited to Gaza. In the West Bank, the Israeli occupying forces continue to harass, injure and kill Palestinian civilians. On 12 January, soldiers of the occupying army killed a Palestinian man, Shakir Al-Hussainy, during clashes following the Friday prayers in Al-Khalil. The man was shot in the head and chest by Israeli soldiers, who did not provide him with any medical aid and who proceeded to drag his dying body for 250 metres through the streets of Hebron as his head repeatedly hit curbs and stones.

Several other Palestinian civilians have been killed by Israeli occupying forces in recent days. In follow-up of my previous letters to you on the matter, dated from 29 September 2000 to 10 January 2001 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1215; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; and A/ES-10/55-S/2001/33), I regret to inform you that, since my last letter to you, the Israeli occupying forces have killed 3 more Palestinian civilians, bringing the total number of Palestinian martyrs to 332. (The names of the three martyrs are contained in the annex to the present letter.) Further, the number of Palestinians injured and severely wounded by the occupying forces also continues to rise.

Despite the continuation of this daily military campaign by Israel against the Palestinian people under its occupation, the Israeli Prime Minister had the audacity to state in a television interview that Israel was no longer an occupying Power. In this regard, Mr. Barak stated: "We stopped being an occupying Power seven years ago when the bulk of the Palestinian population came under Palestinian authority control." Such distorted and false claims blatantly ignore the realities of the situation on the ground. It also indicates a determination by the Israeli side to continue ignoring relevant instruments of international law. Israel continues to be an occupying Power with its forces placed not only around the Occupied Palestinian Territory, including Jerusalem, but also within the territory, on its roads and in the vicinity of its cities, towns and villages. Moreover, the brutal policies and practices of the occupying Power continue to impact all aspects of life for the Palestinian people under occupation. Israel, the occupying Power, should continue to be held responsible for its actions, as well as the actions of its settlers, illegally brought to the occupied territory.

In the meanwhile, we continue to stress that the international community should provide for international protection for Palestinian civilians. In this regard, we once again express the hope that the United Nations, and specifically the Security Council, will take the necessary measures in line with its duties and responsibilities.

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, and of the Security Council.

(Signed) Nasser Al-Kidwa  
Ambassador

Permanent Observer of Palestine to the United Nations

**Annex to the identical letters dated 16 January 2001 from the  
Permanent Observer of Palestine to the United Nations  
addressed to the Secretary-General and the President of the  
Security Council**

**Names of martyrs killed by Israeli security forces in the Occupied  
Palestinian Territory, including Jerusalem**

**(Thursday, 11 January, through Monday, 15 January 2001)**

**Thursday, 11 January 2001**

Mohammed Said Ghanem

**Friday, 12 January 2001**

Shakir Faisal Hassouna Al-Hussainy

**Monday, 15 January 2001**

Maddy Ahed Abdullah Eshteiah

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## Security Council

Distr.: General  
17 January 2001  
English  
Original: French

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### **Letter dated 16 January 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council**

1. On the instructions of my Government, I have the honour to transmit to you a communiqué from the Government of Burundi concerning the meeting in Libreville between President Buyoya and Jean Bosco Ndayikengurukiye, head of the rebel movement Conseil national pour la défense de la démocratie/Front pour la défense de la démocratie (CNDD/FDD) (see annex I).
2. I am also sending you an aide-mémoire about the recent acts of violence perpetrated by the same FDD terrorist armed groups and by the Forces nationales pour la libération/Parti de la libération du peuple hutu (FNL/PALIPEHUTU) against defenceless civilian populations (see annex II).
3. The Government of Burundi recalls that the peace agreement signed on 28 August 2000 is the main point of reference for the peace process, and that the rebel movements are urged to join it. However, its implementation will require the cessation of hostilities throughout the territory of Burundi. The aim of the Libreville meeting is to bring the rebel groups to the negotiating table to achieve a ceasefire, under the auspices of the mediator, Nelson Mandela.
4. The Government of Burundi calls upon the Security Council to:
  - Condemn the rebel groups once again for the violence committed against the civilian population, including the ambushes set on roads against travellers and the attack against the aircraft of the Sabena airline, and reaffirm that these groups must be brought to justice for violations of humanitarian law and attacks on national and international interests;
  - Welcome the Libreville meeting, which is an important step in the search for an end to the hostilities in order to implement the peace agreement signed on 28 August 1999;
  - Once again urge the rebel groups to join the peace process, stop holding peace hostage, and resist being duped by external forces;
  - Urge all the countries bordering Burundi to ensure that their territories are not used by the Burundian rebels against their country of origin;
  - Welcome the action of the mediator, Nelson Mandela, and the regional

- Request donors to come forward with the aid promised at the pledging conference held in Paris on 11 and 12 December 2000.

I request you to have this letter and its annexes circulated as a Security Council document.

(Signed) Marc **Nteturuye**  
Ambassador  
Permanent Representative

## **Annex I to the letter dated 16 January 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council**

### **Press communiqué**

In relation to the contact established with the CNDD/FDD armed group, the Government of the Republic of Burundi wishes to inform national and international public opinion of the following:

- In the search for lasting peace and reconciliation that will bring permanent socio-political stability conducive to true economic growth, the Government of Burundi has always come out in favour of a totally inclusive peace process.
- In this context, the armed groups, an important party to the Burundian conflict, must join the peace process. The ceasefire is the essential precondition for the true implementation of the Arusha Agreement, leading to the restoration of peace and democracy.
- After the signing of the Arusha Agreement, which took place without a ceasefire, various active steps were undertaken to induce the armed groups to end the hostilities and negotiate an end to the war. Concurrently, but not in competition, the international mediation of President Nelson Mandela and the Government of Burundi used various channels for this purpose.
- The combination of these efforts led to the meeting organized in Libreville by the President of Gabon between the Government and the CNDD/FDD armed movement which had finally been persuaded to attend through the intervention of the President of the Democratic Republic of the Congo.
- The Government of Burundi thanks the heads of State, the mediator Nelson Mandela, and all the personalities who, in various capacities, were instrumental in organizing the meeting in Libreville.
- The Government of Burundi welcomes the success of the Libreville meeting in that it led to CNDD/FDD embarking on a course which, it is hoped, will be irreversible, of halting the violence, the biggest priority, and negotiating a permanent ceasefire.
- As reaffirmed in Libreville, the negotiations will fall within the framework of the international mediation of President Nelson Mandela and the Arusha Agreement. The mediator will assess the possible need for additional staff or assistance to ensure rapid success.
- The date and place of the next meeting must be established as soon as possible. At that meeting, the Government of Burundi hopes that the question of ending the violence will be taken up straightaway and resolved so as to stop the terrifying bloodshed and give credibility to the negotiations among a population decimated by war.
- The Government of Burundi hopes that the overtures which are being made to the PALIPEHUTU-FNL armed movement will lead without delay to similar negotiations so that Burundi may fully and finally turn the page on a civil war

**Annex II to the letter dated 16 January 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council**

**Aide-mémoire**

1. On the morning of 4 December 2000, the leader of the FNL-PALIPEHUTU rebels, Cossan Kabura, signed a statement warning foreigners to leave Burundi for their own safety. He referred to a "new military strategy which we are keeping secret, but which you will soon see on the ground".
2. On the evening of the same day, an airbus A 300 aircraft of the Belgian airline Sabena carrying 176 passengers from Brussels came under machine gun fire from the Rukoko nature reserve, right by the Bujumbura international airport. The aircraft was hit by 13 bullets and two foreigners were injured (a Tunisian and a member of the crew). Observers rapidly understood that the attack was designed to sabotage the pledging conference in Paris (11-12 December 2000). As a result, two airlines have suspended their flights to Bujumbura.
3. On 15 December 2000, the former Minister of the Interior Stanislas Mandi, his son and the widow of the former Minister of Agriculture were murdered at Mageyo (Bujumbura rural) after their vehicle was ambushed by rebels on national highway No. 1. Four other vehicles were hit by bullets. Among the assailants were people who spoke Kinyarwanda, which suggests that the Burundian terrorists were supported by the ex-Rwandese Armed Forces or *Interahamwe*.
4. On 22 December 2000, the day after the first condemnation of the rebels by the Security Council for their acts of violence against civilians, the agricultural director in the Makamba province, his accountant and his driver were murdered on the bridge over the Dama river one kilometre from the town of Rumonge, in the Bururi province. Their vehicle had fallen into a rebel ambush on national highway No. 3.
5. On Christmas Day, hundreds of FDD rebels massacred at least 15 villagers during an attack on a school and an administrative office in Butare, in the Rutana province. Twelve others were wounded and the administrative office and school where the peasants had gone to seek refuge were burnt down, a few kilometres from the border with Tanzania.
6. On 28 December 2000, a bus on the Kigali-Bujumbura run fell into an ambush set by terrorist rebels on national highway No. 1. Twenty-one people, mostly Rwandans, were savagely massacred, including women and children whose sexual organs were mutilated and whose eyes were torn out. Among the victims was a woman from the United Kingdom, Charlotte Wilson, who was working for Voluntary Service Overseas (VSO) in Rwanda. Two other vehicles were attacked. According to a woman who survived the ambush "the rebels fired at the driver and the bus swerved onto the side of the road; they then ordered the passengers to get out and executed them one by one; Wilson had difficulty in getting out of the bus; I thought that she was wounded like many others, but I then subsequently realized that she was frightened; after the head of the rebel band told me that I could leave and I was slowly walking down the road, I heard the rebels asking the white woman for money. She replied that she had already given the first group all the money she

had. I then heard shots ...". She was killed by a bullet in the chest. About a dozen other people were taken to Muramvya hospital, 20 kilometres further on.

8. During the first week of January 2001, the rebels attacked several places in the Bururi commune, in particular the Munini *colline*, killed three people, burnt down about 20 houses, shops and schools, and two vehicles, and stole dozens of cows.

9. On 8 January 2000, the FNL rebels attacked the Kinama district, on the periphery of the city of Bujumbura, and killed three people, including an old woman. They also burnt down houses.

10. On 14 January 2000, they laid an ambush for the administrator of the Makebuko commune on the Gitega-Rutana road; he was hit by a bullet and is still in hospital, along with his driver. He was going to travel several kilometres further to comfort the population which had just been attacked by the same rebels from the Rutana province.

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